

Commonwealth of Massachusetts
ATTORNEY-GENERAL'S REPORT

1907

Commonwealth of Massachusetts.

REPORT

OF THE

ATTORNEY-GENERAL

FOR THE

YEAR ENDING JANUARY 15, 1908.



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Commonwealth of Massachusetts.

OFFICE OF THE ATTORNEY-GENERAL,

BOSTON, Jan. 15, 1908.

To the Honorable the President of the Senate.

I have the honor to transmit herewith my report for the year ending this day.

Very respectfully,

DANA MALONE,

Attorney-General.

Commonwealth of Massachusetts.

OFFICE OF THE ATTORNEY-GENERAL,
State House.

Attorney-General.

DANA MALONE.

Assistants.

FREDERIC B. GREENHALGE.
FRED T. FIELD.

JAMES F. CURTIS.
ANDREW MARSHALL.

Chief Clerk.

LOUIS H. FREESE.

STATEMENT OF APPROPRIATION AND EXPENDITURES.

Appropriation for 1907,	\$45,000 00
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Expenditures.

For law library,	\$675 84
For salaries of assistants,	12,108 34
For additional legal services,	368 50
For collection of Spanish war claims against national gov- ernment,	7,133 85
For clerks,	3,647 97
For office stenographers,	867 80
For expert stenographers, reports of cases,	2,291 67
For messengers,	1,491 16
For grade crossing cases, experts, etc.,	1,666 00
For office expenses,	2,306 24
For court expenses, ¹	3,500 75
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Total expenditures,	\$36,058 12
Costs collected,	1,485 22
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Net expenditure,	\$34,572 90

¹ Of this amount, \$1,485.22 has been collected as costs of suits, and paid to the Treasurer of the Commonwealth.

Commonwealth of Massachusetts.

OFFICE OF THE ATTORNEY-GENERAL,

BOSTON, Jan. 15, 1908.

To the General Court.

In compliance with Revised Laws, chapter 7, section 8, I submit my report for the year ending this day.

The cases requiring the attention of the office during the year, to the number of 2,610, are tabulated below : —

Bastardy complaints,	1
Collateral inheritance tax cases,	393
Corporation returns enforced without suit,	34
Dissolutions of corporations, voluntary petitions for,	56
Extradition and interstate rendition,	56
Grade crossings, petitions for abolition of,	149
Informations at the relation of the Tax Commissioner,	395
Informations at the relation of the Commissioner of Corporations,	464
Informations at the relation of the Treasurer and Receiver-General,	449
Indictments for murder,	23
Land Court petitions,	9
Land-damage cases arising from the alteration of grade crossings,	12
Land-damage cases arising from the taking of land by the Harbor and Land Commission,	3
Land-damage cases arising from the taking of land by the Charles River Basin Commission,	72
Land-damage cases arising from the taking of land by the Massachusetts Highway Commission,	27
Land-damage cases arising from the taking of land by the Metropolitan Park Commission,	2
Land-damage cases arising from the taking of land by the Metropolitan Water and Sewerage Board,	83
Legislative council agents,	57
Mt. Tom Reservation,	1
Miscellaneous cases arising from the work of the above-named commissions,	36
Miscellaneous cases,	126
Public charitable trusts,	58
Public administrators petitions,	176
Savings bank accounts, withdrawal of,	9
Settlement cases for support of insane paupers,	19

CAPITAL CASES.

Indictments for murder pending at the date of the last annual report have been disposed of as follows : —

EDGAR WESTON MEIKLE, indicted in Essex County, September, 1906, for the murder of Charles C. G. Meikle, at Lynn, on Nov. 7, 1905. He was arraigned Oct. 2, 1906, and pleaded not guilty. John H. Sisk, Esq., William E. Sisk, Esq., and Richard L. Sisk, Esq., were assigned by the court as counsel for the defendant. In May, 1907, the defendant was tried by a jury before Stevens and Sanderson, JJ. The result was a verdict of not guilty. The case was in charge of District Attorney W. Scott Peters.

HERMAN C. WILES, indicted in Suffolk County, November, 1906, for the murder of Mabel V. Williams, at Boston, on Oct. 13, 1906. He was arraigned Nov. 26, 1906, and pleaded guilty of murder in the second degree. This plea was accepted by the Commonwealth, and the defendant was thereupon sentenced to State Prison for life. Robert W. Nason, Esq., and W. M. Alston, Esq., were assigned by the court as counsel for the defendant. The case was in charge of District Attorney John B. Moran.

ALEXANDER McEWAN, indicted in Suffolk County, November, 1906, for the murder of Annie E. McEwan, at Boston, Oct. 15, 1906. He was arraigned Feb. 18, 1907, and pleaded guilty of murder in the second degree. This plea was accepted by the Commonwealth, and the defendant was thereupon sentenced to State Prison for life. John P. Sweeney, Esq., was assigned by the court as counsel for the defendant. The case was in charge of District Attorney John B. Moran.

FRANCESCO CEFALA, indicted in Suffolk County, December, 1906, for the murder of Anna Meta, *alias* Anna Fodero, at Boston, on Dec. 8, 1906. He was arraigned Jan. 4, 1907, and pleaded guilty of manslaughter. This plea was ac-

cepted by the Commonwealth, and the defendant was thereupon sentenced to not less than fifteen nor more than twenty years in State Prison. Frank M. Zottoli, Esq., was assigned by the court as counsel for the defendant. The case was in charge of District Attorney John B. Moran.

HARRY L. WOOD, indicted in Worcester County, October, 1906, for the murder of Alice M. Wood, at Winchendon, on Oct. 11, 1906. He was arraigned Oct. 22, 1906, and pleaded not guilty. David I. Walsh, Esq., and Thomas L. Walsh, Esq., were assigned by the court as counsel for the defendant. In February, 1907, the defendant was tried by a jury before Hitchcock, J. The result was a verdict of not guilty, by reason of insanity. On Feb. 15, 1907, the defendant was committed to the State Asylum for Insane Criminals for life. The case was in charge of District Attorney George S. Taft.

Indictments for murder found since the date of the last annual report have been disposed of as follows :—

THOMAS FRANCIS MURPHY, indicted in Essex County, May, 1907, for the murder of Almira Murphy, at Haverhill, on May 1, 1907. He was arraigned May 21, 1907, and pleaded not guilty. James H. Sisk, Esq., and Charles S. Goodwin, Esq., were assigned by the court as counsel for the defendant. On Oct. 11, 1907, the defendant retracted his former plea, and pleaded guilty of murder in the second degree. This plea was accepted by the Commonwealth, and the defendant was thereupon sentenced to State Prison for life. The case was in charge of District Attorney W. Scott Peters.

HENRY GOMEZ, indicted in Bristol County, June, 1907, for the murder of Mary Gomez. He was arraigned June 14, 1907, and pleaded not guilty. On June 20, 1907, the defendant was adjudged insane, and committed to the Taunton Insane Asylum. The case was in charge of District Attorney James M. Swift.

MORRIS A. HILLS, indicted in Hampden County, September, 1907, for the murder of James Delehanty, at Springfield, on July 4, 1907. He was arraigned Sept. 18, 1907, and pleaded not guilty. Stephen S. Taft, Esq., and Joseph F. Carmody, Esq., were assigned by the court as counsel for the defendant. On Dec. 27, 1907, the defendant retracted his former plea of not guilty, and pleaded guilty of murder in the second degree. This plea was accepted by the Commonwealth, and the defendant was thereupon sentenced to State Prison for life. The case was in charge of District Attorney John F. Noxon.

PASQUELE ZIZZI, indicted in Middlesex County, March, 1907, for the murder of Antoine D'Ascanio, at Framingham, Jan. 6, 1907. He was arraigned March 26, 1907, and pleaded guilty to manslaughter. This plea was accepted by the Commonwealth, and the defendant was thereupon sentenced to not less than four nor more than seven years in State Prison. Peter S. Maher, Esq., was assigned by the court as counsel for the defendant. The case was in charge of District Attorney George A. Sanderson.

ANTONY DE SIMON, indicted in Suffolk County, May, 1907, for the murder of Leonardo Gaetano, at Boston, on April 9, 1907. He was arraigned June 19, 1907, and pleaded guilty of murder in the second degree. This plea was accepted by the Commonwealth, and the defendant was thereupon sentenced to State Prison for life. The case was in charge of District Attorney John B. Moran.

JOHN U. SPERRY, indicted in Suffolk County, May, 1907, for the murder of Mary Sperry, at Boston, on April 22, 1907. He was arraigned May 27, 1907, and pleaded guilty of murder in the second degree. This plea was accepted by the Commonwealth, and the defendant was thereupon sentenced to State Prison for life. The case was in charge of District Attorney John B. Moran.

WALTER STOCK, indicted in Suffolk County, April, 1907, for the murder of Mary Agnes Bates, at Boston, on April 3,

1907. He was arraigned Oct. 18, 1907, and pleaded guilty of murder in the second degree. This plea was accepted by the Commonwealth, and the defendant was thereupon sentenced to State Prison for life. The case was in charge of District Attorney John B. Moran.

ROBERT MCGRAW, indicted in Suffolk County, February, 1907, for the murder of Benjamin F. Farwell, at Boston, on April 25, 1904. He was arraigned March 13, 1907, and pleaded not guilty. Edgar P. Benjamin, Esq., was assigned by the court as counsel for the defendant. In July, 1907, the defendant was tried by a jury before Fessenden and White, JJ. A verdict of guilty of manslaughter was rendered by the jury, and the defendant was thereupon sentenced to State Prison for not less than nine nor more than eleven years. The case was in charge of District Attorney John B. Moran.

WILLIAM M. BERRY, indicted in Berkshire County, January, 1907, for the murder of Rose Berry, at Williamstown, on Aug. 26, 1906. He was arraigned Jan. 23, 1907, and pleaded not guilty. Herbert C. Joyner, Esq., and Patrick J. Moore, Esq., were assigned by the court as counsel for the defendant. On July 18, 1907, the defendant, by order of the court, was committed to the Hospital for Insane Criminals. The case was in charge of District Attorney John F. Noxon.

The following indictments for murder are now pending : —

LORETO DE GRAVIO, indicted in Essex County, September, 1907, for the murder of Valentino de Pietro, at Lynn, on May 16, 1907. He was arraigned Oct. 11, 1907, and pleaded not guilty. John Ingram, Esq., was assigned by the court as counsel for the defendant. The case is in charge of District Attorney W. Scott Peters.

GIUSEPPE A. ZECCOLO, indicted in Middlesex County, September, 1907, for the murder of Charles Reed, at Water-

town, on July 12, 1907. He was arraigned Sept. 16, 1907, and pleaded not guilty. Lafayette G. Blair, Esq., and Frank M. Zottoli, Esq., were assigned by the court as counsel for the defendant. No further action has been taken in this case. The case is in charge of District Attorney John J. Higgins.

ASSAD ALEXANDER KALIL, indicted in Essex County, September, 1907, for the murder of Joseph Zaharan, at Lawrence, on July 13, 1907. He was arraigned Sept. 24, 1907, and pleaded not guilty. No further action has been taken in this case. The case is in charge of District Attorney W. Scott Peters.

FERDINANDO DE RIBASSO, indicted in Middlesex County, December, 1907, for the murder of Mary D. de Ribasso, at Somerville, on Sept. 14, 1907. He was arraigned Dec. 10, 1907, and pleaded not guilty. Harvey H. Pratt, Esq., was assigned by the court as counsel for the defendant. No further action has been taken in this case. The case is in charge of District Attorney John J. Higgins.

JOSEPH MARTINO, indicted in Essex County, September, 1907, for the murder of Joseph de Cicco, at Haverhill, on July 10, 1907. He was arraigned Sept. 24, 1907, and pleaded not guilty. No further action has been taken in this case. The case is in charge of District Attorney W. Scott Peters.

PASQUALE COLUCCIello, indicted in Middlesex County, June, 1907, for the murder of Luigi Marro, at Newton, on May 24, 1907. He was arraigned Nov. 7, 1907, and pleaded not guilty. John J. Mansfield, Esq., and Frank Keezer, Esq., were assigned by the court as counsel for the defendant. No further action has been taken in this case. The case is in charge of District Attorney John J. Higgins.

JOHN A. STEELE, indicted in Suffolk County, December, 1907, for the murder of Edward Cohen, at Boston, on Dec.

5, 1907. The defendant has not yet been arraigned. The case is in charge of District Attorney John B. Moran.

MING SING, HOM WOOM, LEONG GONG, WONG DUCK, WONG HOW, JOE GUEY, DONG BOK LING, YEE WAT, YEE YUNG, indicted in Suffolk County, August, 1907, for the murder of Chin Mon Quin at Boston, on Aug. 2, 1907. They were arraigned Sept. 3, 1907, and pleaded not guilty. No further action has been taken in this case. The case is in charge of District Attorney John B. Moran.

LOUIS TENNIS, indicted in Suffolk County, March, 1907, for the murder of Philip Tennis, at Boston, on Jan. 17, 1907. He was arraigned March 11, 1907, and pleaded not guilty. Hon. Herbert Parker and Robert Silverman, Esq., were assigned by the court as counsel for the defendant. No further action has been taken in this case. The case is in charge of District Attorney John B. Moran.

NEW YORK, NEW HAVEN & HARTFORD RAILROAD COMPANY CASES.

In my report for the year 1906 I stated that there had been filed and were then pending in the Supreme Judicial Court two informations against the New York, New Haven & Hartford Railroad Company for violations of section 57, part 2, of chapter 463 of the Acts of the year 1906. The first of these was an information in the nature of *quo warranto*, brought by the Attorney-General, and alleging in substance that the New York, New Haven & Hartford Railroad Company had directly or indirectly subscribed for, taken and held the stock and bonds and guaranteed the bonds and dividends of certain domestic street railway corporations, in violation of the provisions of the statute above quoted. To this information a demurrer and a motion to dismiss were filed by the respondent, upon the ground that the information as filed did not disclose such an abuse of usurpation by the respondent of a privilege or franchise as to require the action of the court. The case was first heard by a single justice of the Supreme Judicial Court, and was

by him reserved upon information, demurrer and motion to dismiss for the consideration of the full court. It was argued at the November sitting of last year, and no decision has as yet been handed down.

The second information was an information in equity under chapter 372 of the Acts of the year 1906, which authorizes such an information in the name of the Attorney-General at the relation of the Commissioner of Corporations, alleging substantially the same violation of law, and seeking an injunction to restrain the New York, New Haven & Hartford Railroad Company from subscribing for, taking and holding the stock and bonds of or guaranteeing the bonds or dividends of such domestic street railway companies. To this information an answer was filed by the respondent corporation, and the case was referred to a master appointed by the Supreme Judicial Court to hear the evidence and make report of his findings of fact. Hearings were begun on March 20, 1907, and have continued until the present time. The master made a first draft report on Oct. 8, 1907, and has just made a second draft report upon which a hearing is now pending. I anticipate that his final report upon the case will be filed in the Supreme Court at a very early date.

SITTINGS OF THE FULL COURT FOR THE COUNTIES OF BERKSHIRE, HAMPSHIRE, HAMPDEN AND FRANKLIN.

My attention has been directed to the subject of sittings of the full court in three different weeks in September for the accommodation of the business of the counties of Berkshire, Hampshire, Hampden and Franklin. I am informed that for the last ten years the business of that court sitting at Pittsfield for Berkshire County has not required the use of the court room upon an average for more than two hours each year: in the two counties of Hampshire and Franklin for about one day; and at Springfield for Hampden County upon an average not more than two or three days and sometimes even less than two days. For these brief sittings five judges and the reporter of decisions or his representative make the journey to and from their homes for each sitting, and there is in each county the expense incident to the coming in of the court.

The opinion is expressed that the public interests would be better served by a single sitting for the four western counties at Springfield, which would doubtless occupy a part of one week; or, if preferable to the bar of such counties, a sitting at Boston. In most of the States the highest court does not have sittings in more than one or two places, and in a majority of the whole number it sits only in the capital of the State. I call this subject to your attention, for such consideration and legislation as you may deem advisable.

REPORTER OF DECISIONS.

Section 63 of chapter 165 of the Revised Laws provides that the reports of the decisions upon all questions of law argued and determined by the Supreme Judicial Court before the first day of September in each year shall be published within ninety days thereafter. On Dec. 3, 1907, the reporter of decisions was making up a case decided on Feb. 28, 1907, more than nine months previous thereto, and there were 257 cases which were unpublished. The last official publication is of cases decided Feb. 27, 1907, more than ten months ago. The decisions of the Supreme Court of the United States up to Nov. 20, 1907, were received at this department in an official publication within a month after the opinions were rendered. The bar of the Commonwealth and the people are entitled to know the law, as promulgated by our highest court, at the earliest possible day after such decision is rendered. I see no reason why such decisions should not be officially published as promptly as the decisions of the Supreme Court of the United States.

I therefore suggest legislation in amendment of chapter 165 of the Revised Laws, which will provide for the prompt publication of the opinions of our highest court, with additional assistance for the reporter of decisions if necessary.

CLAIMS AGAINST THE COMMONWEALTH.

The Supreme Judicial Court recently decided that the provisions of the Revised Laws, chapter 165, relative to the appointment of auditors, do not apply to actions brought on claims against the Commonwealth under chapter 201 of the Revised Laws. I recommend that section 2 of chapter 370

of the Acts of 1905 be amended so that if the amount of the *ad damnum* does not exceed \$10,000 such claims may be heard by a single justice of the Superior Court.

PUBLIC ADMINISTRATORS.

I am of opinion that there should be substantial changes in the law relative to public administrators. The list of public administrators on file in the office of the Secretary of the Commonwealth contains one hundred and thirty-two names. Since the passage of chapter 284 of the Acts of 1907, requiring that the Treasurer and Receiver-General be made a party to all petitions for administration by public administrators and be given due notice of all subsequent proceedings, the Treasurer has received notice of proceedings in one hundred and sixty-four cases. In one hundred and sixteen of these cases no accounts have yet been filed. The forty-eight estates in which accounts have been filed, amounting to \$82,411.80, have been administered by seventeen different administrators. The largest estate amounted to \$44,985.09, the second in size amounted to \$6,113.48, two estates exceeded \$4,000 and one exceeded \$3,000. Only six of the remaining estates exceeded in amount \$1,000. The amount which was paid into the treasury of the Commonwealth from all of these forty-eight estates is \$5,406.19, of which amount a single estate contributed \$4,282.97.

The total charges of public administrators for services, not including charges for publication of their notices, amounted to \$4,509.88, and the burial expenses and charges of undertakers in the same estates amounted to \$4,301.91. It appears that in many cases the burial expenses and charges of undertakers are excessive in proportion to the total amount of the estate; and in most of the smaller estates the entire balance of the assets, after payment of such bills and certain other small items of expense, is exhausted by the charges for administration.

In my report for 1906, page xv, I said that "several thousand dollars which should have been paid to the Treasurer had been paid to persons by virtue of powers of attorney and affidavits purporting to be signed by heirs, which powers of

attorney and affidavits on examination were found to be fictitious. Proceedings have been instituted, and a large part of the sum so paid is likely to be recovered."

As a part of the proceedings so begun, three persons who had been connected with the administration of nine estates, two of whom were public administrators, were cited in to answer interrogatories under the statute concerning embezzlement. One of the public administrators, after the citation was served upon him, fled from the Commonwealth and has not yet returned. He was subsequently removed from office by the Governor. Suit was pressed against the other persons concerned in the settlement of such estates, which resulted in the revocation of the decrees of distribution in the several cases, based upon a finding by the court that the alleged heirs-at-law were fictitious persons. The ultimate result of these proceedings was that by a decree dated Dec. 11, 1907, certain portions of the public administrators' prior accounts were allowed and other portions disallowed, leaving a balance to be paid to the Treasurer and Receiver-General amounting to \$10,356.95.

Immediately prior to the entry of these decrees the second public administrator resigned from his office, and the third person concerned in the matter is prepared to pay over to the Commonwealth the sum of \$9,017.59 on account of the amount found by the Probate Court to be due.

I suggest that legislation be enacted providing that one or more public administrators be appointed in each county by the Governor, or by the Probate Courts of the several counties, who shall receive a fixed salary in full compensation for services in administering all estates which would, under existing laws, be administered by the present public administrators. Under such a system uniform rules of administration and supervision might be established; whereas the present system results in serious detriment to the Commonwealth, since most of the small estates are entirely absorbed by the charges of administration, burial expenses and charges of undertakers.

GRADE CROSSINGS.

From the enactment of chapter 428 of the Acts of 1890 to Nov. 30, 1906, there has been expended upon the abolitions of grade crossings in Massachusetts the sum of \$26,966,258.35, of which the Commonwealth has contributed \$7,109,892.50. During the year ending Nov. 30, 1907, the Commonwealth has also expended for the same purpose the additional sum of \$769,728.81. There are a number of petitions for the abolition of grade crossings now pending, and many more are likely to be filed, which will entail a large expenditure.

In view of this large expenditure, and to protect the interests of the Commonwealth, a thorough examination should be made of the plans submitted to the commissioners appointed for the abolition, and of the actual work of construction, as well as of the accounts of expenditures submitted to auditors in the several cases. In all such proceedings the Commonwealth has been represented by the Attorney-General, and such examination has, so far as practicable, been made by him or by his assistants; but in my opinion the time has now come when this part of this work should be done by a competent engineer, under the direction of the Attorney-General. I therefore recommend legislation which will authorize the employment of an engineer for such purpose. I believe that such an engineer, giving the whole or such part of his time as may be found necessary to the service, would save to the Commonwealth a large sum of money each year.

I also recommend that the railroad law, chapter 463 of the Acts of 1906, be so amended that the reports of grade crossing commissioners, and decrees confirming such reports, may be filed in the registries of deeds for the several counties without the payment of any fee therefor.

I further suggest that legislation be passed conferring authority on auditors in grade crossing proceedings to affirmatively investigate the amounts presented to them for allowance by cities or railroads as expended in the payment of damages for land taken for the abolition of grade crossings or otherwise.

FUNDS OF CHARITABLE CORPORATIONS.

There does not seem to be adequate supervision by any court or department of the funds of charitable corporations. It would therefore seem desirable, and I recommend, that an act be passed requiring charitable corporations to make an annual, accurate, sworn accounting of investments and income to some board or officer of the Commonwealth; and that the investments of such corporations be limited to such investments as are from time to time permitted for trust funds.

TRUSTEES HOLDING PROPERTY FOR CHARITABLE PURPOSES.

The provisions of R. L., c. 149, requiring trustees to give bonds with sureties, have been held not to apply to certain classes of trusts for public charitable purposes. It is sometimes difficult to determine whether in a given case a bond is required by law. Moreover, cases are likely to arise in which, though trustees are not required by law to give bonds, the trust funds are not properly safeguarded unless bonds are given. The fact that there are no definite persons interested in a fund held in trust for charitable purposes renders the possibility of mismanagement even greater than in the case of private trusts. I recommend, therefore, that the Probate Court be authorized in its discretion to require bonds with sureties from any trustees holding property for public charitable purposes.

CASES IN THE SUPREME COURT OF THE UNITED STATES.

The case of *Interstate Consolidated Street Railway Co. v. Commonwealth*, involving the constitutionality of R. L., c. 112, § 72, being the statute relative to half fare for school children upon street railways, was argued in the Supreme Court of the United States Oct. 15 and 16, 1907, and was decided in favor of the Commonwealth, the court finding that "a street railway corporation, taking a legislative charter subject to all duties and restrictions set forth in all general laws relating to corporations of that class, cannot complain of the unconstitutionality of a prior enacted statute

compelling them to transport children attending the public schools at half price."

The case of Abe Strauss, Plaintiff in Error, *v.* Commonwealth, pending in the Supreme Court of the United States on writ of error to the Superior Court of Plymouth County, involved the constitutionality of section 1 of chapter 56 of the Revised Laws. This was a case in which it was made a condition of each sale by the defendant that the purchaser should not sell or deal in the plug tobacco of any other person, firm, corporation or association of persons. The writ of error was dismissed at the October term by agreement, and the case remanded to the Superior Court of Plymouth County for sentence.

BY-LAWS OF FIRE DISTRICTS.

Section 67 of chapter 32 of the Revised Laws provides that no by-law, rule or regulation adopted by a fire district which imposes a penalty shall be in force until it is approved by the Superior Court. St. 1904, c. 344, provided that town by-laws should be approved by the Attorney-General, instead of by the Superior Court. In the interest of uniformity, I recommend legislation which will provide that by-laws of fire districts may also be approved by the Attorney-General, instead of by the Superior Court.

LAND COURT.

The provisions of law relating to the retirement of a judge who shall resign his office after having served at least ten consecutive years, and after having attained the age of seventy years, have been extended to every court having jurisdiction throughout the Commonwealth except the Land Court. It has been suggested that the provisions of said law be extended so that it may include the judges of the Land Court; and I call the matter to your attention for such action as may seem to you proper.

SUPPLEMENT TO THE REVISED LAWS.

I suggest that provision should be made for the printing of a supplement to the Revised Laws. No official supple-

ment has been compiled since the publication of the Revised Laws of 1902, so that the general laws subsequently passed and now in force are scattered through the Blue Books for six years.

A supplement should, in my opinion, be prepared and published, in which the statutes should be properly arranged and codified, with an adequate index and marginal notes, and should include the general laws since 1901 up to and including those passed in 1908.

DEPARTMENT OF THE ATTORNEY-GENERAL.

On Dec. 23, 1907, Mr. Walter Perley Hall retired from the position of Assistant Attorney-General, having on that day qualified as chairman of the Board of Railroad Commissioners. As Assistant Attorney-General Mr. Hall performed the duties assigned to him with fidelity and efficiency, rendering valuable service to the Commonwealth, and his retirement is a loss to the department.

On Jan. 1, 1908, Mr. Andrew Marshall, who was serving as law clerk, was appointed Assistant Attorney-General.

Respectfully submitted,

DANA MALONE,
Attorney-General.

OPINIONS.

Automobiles — Cities and Towns — Special Regulations — Posting — Sign Boards — Massachusetts Highway Commission.

Under the provisions of St. 1903, c. 473, § 8, as amended by St. 1905, cc. 311 and 366, and by St. 1906, c. 412, which enacted that local authorities "may make special regulations as to the speed of automobiles and motor cycles and as to the use of such vehicles on particular roads or ways, including their complete exclusion therefrom . . ." a regulation adopted by the selectmen of a town restricting the speed of automobiles and motor cycles upon the streets of the thickly settled portion of such town to nine miles per hour is a special regulation; and, in the absence of protest as therein provided, it becomes the duty of the Massachusetts Highway Commission to post such regulation conspicuously on sign boards at such points as the commission may deem necessary.

DEC. 24, 1906.

AUSTIN B. FLETCHER, Esq., *Secretary, Massachusetts Highway Commission.*

DEAR SIR: — In a communication dated October 25 you state that the selectmen of the town of Harwich have duly adopted and published, as required by law, the following speed regulation relating to automobiles: —

The selectmen of Harwich have restricted the speed of automobiles and motor cycles upon the streets in the thickly settled parts of said Harwich, to nine miles per hour. Said restriction is made under the Acts of 1903, chapter 473, as amended by chapters 311 and 366 of the Acts of the year 1905, and chapter 412 of the Acts of the year 1906.

You inquire whether in my opinion such regulation is a special regulation within the meaning of the statute therein cited, and whether in the absence of protest the commission is required to erect speed signs on all roads located within the thickly settled portion of the town of Harwich.

St. 1903, c. 473, § 8, established a speed limit of fifteen miles an hour outside the limits of a city or the thickly settled portion of a town or fire district, and of ten miles within a city or the thickly settled or business part of a town or fire district. This

section was amended by St. 1906, c. 412, which repealed so much of the section as established a speed limit, by providing that:—

Every person operating an automobile or motor cycle on any public or private way laid out under the authority of law shall run it at a rate of speed at no time greater than is reasonable and proper, having regard to traffic and the use of the way and the safety of the public.

The amendment then proceeds to establish rates of speed which shall be *prima facie* evidence that the operator is running his machine at a rate of speed greater than is reasonable and proper in the premises, such limits being twenty miles outside “the thickly settled or business part of a city or town” and twelve miles within such town. On curves and crossings, the speed which shall be *prima facie* unreasonable speed is eight miles. In section 2 the act construes the phrase “thickly settled or business part of a city or town,” as follows:—

The phrase “thickly settled or business part of a city or town”, in section one of this act shall be deemed to mean the territory of a city or town contiguous to any such way which is built up with structures devoted to business, or the territory of a city or town contiguous to any such way where the dwelling houses are situated at such distances as will average less than two hundred feet between such dwelling houses for a distance of a quarter of a mile or over.

By St. 1905, c. 366, the city council of a city or the board of aldermen of a city having no common council, and the selectmen of a town—

may make special regulations as to the speed of automobiles and motor cycles and as to the use of such vehicles on particular roads or ways, including their complete exclusion therefrom. If they determine that on any particular way a speed greater than the speeds specified in section eight of chapter four hundred and seventy-three of the acts of the year nineteen hundred and three may be permitted with safety, they may make such special regulations as may appear to them to be necessary: *provided, however*, that no such special regulation increasing or lessening the speed at which automobiles and motor cycles may be run on the public highways, or excluding them therefrom, shall be effective unless such regulation shall have been published in one or more newspapers, if there be any, published in such city or town, otherwise in one or more newspapers published in the county in which the city or town is situated.

The act contains provisions for protest before the Massachusetts Highway Commission, in which case such special regulation is not valid until approved by such Board, and then continues: —

Such special regulations shall be posted conspicuously by or under the direction of the Massachusetts highway commission on sign boards at such points as the board may deem necessary. The cost of such sign boards and the expenses in connection with their erection and maintenance shall be paid out of the appropriation for expenses in connection with the registration of automobiles and motor cycles and the licensing of operators thereof.

This act was amended by St. 1906, c. 412, § 9, which changed the words “fifteen days,” the period allowed after publication for protest, to “sixty days.”

Assuming that the regulation referred to by the Massachusetts Highway Commission in their communication has been duly passed and published, as required by the statutes above quoted, I am of opinion that it is to be treated as a “special regulation as to the speed of automobiles and motor cycles,” which it was within the power of the selectmen to pass, by authority and in accordance with the provisions of St. 1905, c. 366, and as such it becomes the duty of the commission to post such regulations conspicuously “on sign boards at such points as the board may deem necessary.”

It is to be observed that the selectmen of a town are authorized by the statute to make special regulations of two distinct classes: first, as to the speed of automobiles and motor cycles; and, second, as to the use of such vehicles on particular roads or ways. From the language of the statute, it would seem that the regulations as to speed need not necessarily be limited to specific roads or ways, but may be made generally applicable either to the thickly settled or business portion of the town, or to that part of the town without the thickly settled or business portion. Moreover, the statute imposes no limitation as to the regulation of speed, and it would seem that a regulation limiting the speed to nine miles an hour (only three miles less than the rate which the statute makes *prima facie* evidence of improper driving) would not be an unreasonable regulation. For these reasons I conclude, as above stated, that the regulation is within the terms of the statute.

Very truly yours,

DANA MALONE, *Attorney-General*.

Contagious Diseases — State Board of Health — Co-ordinate Powers with Local Boards of Health — Cities and Towns.

Under R. L., c. 75, § 8, providing in part that "if smallpox or any other contagious or infectious disease dangerous to the public health exists or is likely to exist in any place within the Commonwealth," the State Board of Health shall make an investigation thereof and "shall have co-ordinate powers as a board of health in every city and town, with the board of health thereof . . ." the exercise of such co-ordinate powers by the State Board of Health is confined to places throughout the Commonwealth where contagious diseases exist or seem likely to exist.

JAN. 18, 1907.

CHARLES HARRINGTON, M.D., *Secretary, State Board of Health.*

DEAR SIR: — Your Board asks my opinion upon the question whether or not by R. L., c. 75, § 8, it is given co-ordinate powers with local boards of health throughout the Commonwealth, or whether such powers are created only when contagious disease exists or seems likely to exist in any given place, and are confined to such place and to the duration of the contingency above referred to.

R. L., c. 75, § 8, is as follows: —

If smallpox or any other contagious or infectious disease dangerous to the public health exists or is likely to exist in any place within the commonwealth, the state board shall make an investigation thereof and of the means of preventing the spread of the disease, and shall consult thereon with the local authorities. It shall have co-ordinate powers as a board of health, in every city and town, with the board of health thereof, or with the mayor and aldermen of a city or the selectmen of a town in which there is no such board.

It appears from this section that the principal duty of the Board created by this section of the statute, with relation to matters of health, was the investigation of contagious or infectious diseases and the prevention of such diseases, and it is therefore provided that the Board shall consult with the local authorities thereon. Then follows the phrase under consideration, — "and shall have co-ordinate powers as a board of health, in every place, with the board of health," etc.

The strong reason for assuming that the powers referred to are conferred only where contagious disease exists or is likely to exist is the fact that they are mentioned in a section which purports to treat only of contagious or infectious diseases. Upon the

whole, I am of opinion that the words as used in R. L., c. 75, § 8, are applicable only to places throughout the Commonwealth where contagious disease exists or seems likely to exist, and are confined to such place.

Very truly yours,

DANA MALONE, *Attorney-General*.

*Insurance — Assessment Insurance. — Foreign Corporation —
Change from Assessment to Old Line Business — Valuation
of Policies.*

A foreign insurance company admitted to this Commonwealth under the provisions of St. 1890, c. 421, an act relating to assessment insurance, which transacted business therein under the provisions of such statute until June 9, 1899, when it was authorized to transact the business of old line life insurance and since such date has transacted such business, is entitled to have its policies valued and to have a reserve maintained thereon on the basis of renewable term insurance, in accordance with R. L., c. 118, § 11, cl. 4, par. 2.

FEB. 13, 1907.

Hon. FREDERICK L. CUTTING, *Insurance Commissioner*.

DEAR SIR:— You request my opinion as to whether the Security Mutual Life Insurance Company of New York, which was admitted to Massachusetts in 1893 under the provisions of chapter 421 of the Acts of 1890, and transacted business in this Commonwealth as an assessment life company until June 9, 1899, when it was authorized to transact business as an old line life company, and which has continued to transact such business in that way since that date, is entitled to have its policies valued in accordance with the second paragraph of the fourth clause of section 11 of chapter 118 of the Revised Laws. This paragraph is as follows:—

All policies or certificates of insurance issued before the first day of July in the year eighteen hundred and ninety-nine by corporations which formerly transacted a life insurance business under the provisions of chapter four hundred and twenty-one of the acts of the year eighteen hundred and ninety and acts in amendment thereof, and which now have authority to do business in this commonwealth under the provisions of this chapter, which policies or certificates are in force on the thirty-first day of December of any year and which contain a provision for a payment other than the premium stipulated therein and under which the duration of the premium

payment is the same as the duration of the contract, except in endowment certificates and endowment policies, shall be valued and shall have a reserve maintained thereon on the basis of renewable term insurance as fixed by attained age in accordance with the provisions of this chapter. To the reserve liability determined as above the insurance commissioner shall add the determinate contract reserve under any other policies or certificates issued by said companies, before said first day of July and remaining in force on the thirty-first day of December of any year, and in the absence of such contract reserve shall value them as contracts providing similar benefits are to be valued under the provisions of this chapter. But under no policy or certificate shall a greater aggregate reserve liability be charged than is otherwise required by this chapter. All policies of life insurance issued by any such corporation subsequent to the first day of July in the year eighteen hundred and ninety-nine, including those which contain a provision for a payment other than the premiums specified therein, shall be valued and a reserve maintained thereon according to the provisions of this chapter, but all such policies issued by said former assessment corporations prior to the first day of January in the year nineteen hundred and three, shall be valued taking the first year as one-year-term insurance.

Chapter 229 of the Acts of 1899 was passed April 1, 1899, but by section 8 was to take effect July 1, 1899. This Company changed its business from an assessment to an old line form of business on June 9, 1899, as it was entitled to under the law as it stood prior to the passage of chapter 229 of the Acts of 1899.

I am of opinion that the Legislature did not intend to limit the benefits conferred by the portion of the section above quoted to those companies that changed from an assessment to an old line form of insurance upon or subsequent to July 1, 1899. Consequently, R. L., c. 118, § 11, cl. 4, par. 2, does not exclude this company simply on the ground that on the first day of July, 1899, it was already engaged in transacting old line insurance. Therefore, the company is entitled to have its policies valued in accordance with the provisions of the above quoted section.

Very truly yours,

DANA MALONE, *Attorney-General*.

Pauper — Derivative Settlement — Retroactive Statute.

A pauper born in 1830 who derived a settlement from his father in 1843, which became fixed when such pauper became of age, had acquired a settlement before the first day of May, 1860, and such settlement was therefore defeated and lost by the retroactive provision of R. L., c. 80, § 6, notwithstanding the fact that the settlement of the father came within the exception contained in such statute, and was not defeated thereby.

MARCH 5, 1907.

J. F. LEWIS, M.D., *Superintendent.*

DEAR SIR:— You request my opinion upon the following statement of facts:—

The pauper was born in Wareham, Mass., 1830; removed to Fairhaven, Mass., in 1833, where he derived a settlement from his father, who acquired a settlement in same place in 1843. The pauper since his majority has performed none of the acts necessary to acquire a settlement. His father continued to reside in Fairhaven until his death, July 6, 1874, owning and occupying a freehold estate each year since 1843. Under the provisions of R. L., c. 80, § 6, "Any settlement which was not fully acquired subsequent to the first day of May, in the year eighteen hundred and sixty, is hereby defeated and lost, unless such settlement prevented a subsequent acquisition of settlement in the same place; . . ." As the father's settlement was saved under the exception, and that settlement acquired when the son was a minor, does it follow that the settlement of the son, the pauper, is not lost?

The settlement of the pauper in question, derived from his father in 1843, became fixed when the pauper became of age in 1851, and thereafter was unaffected by any subsequent loss or acquisition of settlement by his father. He had, therefore, a settlement in the town of Fairhaven, acquired before the first day of May, 1860, and such settlement was clearly defeated and lost by the retroactive provision of R. L., c. 80, § 6, — "Any settlement which was not fully acquired subsequent to the first day of May in the year eighteen hundred and sixty is hereby defeated and lost, unless such settlement prevented a subsequent acquisition of settlement in the same place," — since after 1851 he did nothing which would entitle him to a settlement either in Fairhaven or elsewhere, and does not come, therefore, within the exception in the above-entitled section. The fact that the father's settlement did come within the exception and was not

lost seems to me to be immaterial in respect to the settlement of the son.

Very truly yours,

DANA MALONE, *Attorney-General*.

State Board of Health — Nuisance — Jurisdiction — Abatement of Nuisance — Pending Complaint to Local Board of Health and Bill of Complaint in Superior Court.

The State Board of Health may, under the provisions of R. L., c. 75, § 109, entertain an application or complaint alleging that a corporation engaged in the manufacture of cement is maintaining a nuisance upon its premises, and may investigate the conditions attending such manufacture upon such premises, notwithstanding that such corporation was authorized by the local authorities to engage in and carry on the business of manufacturing cement at such place, and notwithstanding that a bill of complaint of the same tenor was filed by the petitioner and is now pending before the Superior Court, and that a like complaint has been presented to the local board of health, upon which such board has not yet acted.

MARCH 16, 1907.

CHARLES HARRINGTON, M.D., *Secretary, State Board of Health*.

DEAR SIR:— The State Board of Health requests my opinion as to its jurisdiction in the matter of a complaint directed against the Russia Cement Company of Gloucester, and a petition for the abatement of a nuisance alleged to exist on the premises of said company. The Russia Cement Company moved to dismiss the complaint for the reason that the State Board of Health lacked jurisdiction.

It appears that the business of the Russia Cement Company was being conducted upon the same premises to which the corporation had been assigned by the local board of health in 1881, and in buildings occupied and used by the written permission of the mayor and board of aldermen; that at the time of filing the petition the said business was being conducted on said premises under the regulations of and in the mode prescribed by the local board of health, and with its approval; that on July 16, 1906, the same petitioner made a like complaint to the local board, which complaint is now held under advisement by that board; and that on Oct. 11, 1906, the same petitioner filed a bill of complaint of the same tenor and effect in the Essex Superior

Court, praying for an injunction and the prohibition of said business, and the same is now pending in said court.

The cement company objects to the jurisdiction of the State Board of Health:—

(1) Because of the proceeding in and before the local board of health.

(2) By reason of the proceedings in and before the Superior Court.

The jurisdiction of the State Board of Health is under R. L., c. 75, § 109, which reads as follows:—

If any buildings or premises are so occupied or used, the state board of health shall, upon application, appoint a time and place for hearing the parties and, after due notice therefor to the party against whom the application is made and a hearing, may, if in its judgment the public health, comfort or convenience so require, order any person to desist from further carrying on said trades or occupations in such building or premises; and whoever thereafter continues so to occupy or use such buildings or premises shall forfeit not more than two hundred dollars for every month of such occupancy and use, and in like proportion for a shorter time.

The question is, therefore, whether the fact that a license has been issued to the Russia Cement Company by the local authorities, and the business of said company is conducted with the approval and subject to the regulation of the local board of health, and that a petition has been filed in the Superior Court to enjoin such company from maintaining a nuisance, limits the jurisdiction of the State Board of Health in the premises.

The power of the State Board of Health under R. L., c. 75, § 109, was first established in St. 1871, c. 161, which authorized such Board to forbid the exercise of an offensive trade in any municipality of more than 4,000 inhabitants. See *Sawyer v. State Board of Health*, 125 Mass. 192, where the court say:—

It simply gives to the State Board of Health jurisdiction, whether concurrent with the town boards or exclusive it is not material to this case to inquire, in cities and large towns, to do what may be done in every town of the Commonwealth by the local board of health.

In *Cambridge v. Trelegan*, 181 Mass. 565, the court state, in speaking of the authority of the local board to forbid the carrying on of a slaughter house as dangerous to the public health after license by the proper authority:—

From its origin the policy of requiring the license mentioned has been shown not to be exclusive of the exercise of their usual powers by boards of health by the express grant of power to the State Board of Health to prohibit carrying on the business of slaughtering in a building or premises occupied for that purpose. St. 1871, c. 167, § 2; St. 1874, c. 308; Pub. Sts., c. 80, § 93; R. L., c. 75, § 109. The court is of opinion that this grant of power is not exclusive, and that it would be unwarranted and anomalous to hold the license good against the local board acting under Pub. Sts., c. 80, § 84, R. L., c. 75, § 91, when it would be no answer to the State Board acting under what is now another section of the same chapter of the Revised Laws. See *Sawyer v. State Board of Health*, 125 Mass. 182, 191, 192; *Stone v. Heath*, 179 Mass. 385.

In these cases it appears clear that the jurisdiction of the State Board of Health is at least concurrent with that of local boards of health in cities and towns of more than 5,000 inhabitants; and the fact that the local board of health refuses to act in the premises does not in any way affect the right of the State Board of Health to proceed. Indeed, it may well have been that the Legislature intended that the State Board under just such circumstances should have the power to intervene, and prohibit the carrying on of business injurious to the public health.

I am therefore of opinion that the fact that the question concerning the Russia Cement Company had been raised before the local board of health, and that the method of business of such company had been approved by such board, does not affect the present proceedings brought before the State Board of Health.

In respect to the proceedings pending before the Superior Court, the case of *Stone v. Heath*, 179 Mass. 385, seems to be conclusive. In that case the court say, in discussing action by a local board of health (p. 389):—

And if it be true, as alleged, that action was taken with a view to affect proceedings in the suit pending in the Superior Court between the plaintiffs and the water company, that also furnishes no ground for interference with the board of health. It often happens that the proceedings in one tribunal are affected or may be affected by action taken by another tribunal. Such action may even be taken with that purpose in view, so long as it is within the jurisdiction of the tribunal that acts, and may also be at the instance of one of the parties to the proceedings in the other tribunal.

I am of opinion, therefore, that the State Board of Health may proceed with the investigation of the question raised by the petition in this case, if it deems it proper to do so.

Very truly yours,

DANA MALONE, *Attorney-General*.

*Automobiles — Cities and Towns — Special Regulations —
Statutory Construction.*

A regulation adopted by the selectmen of a town, fixing the speed limit for automobiles and motor cycles throughout such town "in fire district, eight miles per hour; outside, fifteen miles per hour," is a special regulation within the meaning of St. 1905, c. 366, the statute in force at the time of its adoption, although the limit so fixed coincides with the extreme limit established by such statute, and is unaffected by the enactment of St. 1906, c. 412, § 1, which established a rate of twelve miles in the thickly settled or business part of a city or town, and a rate of twenty miles outside thereof, as the extreme limit of speed.

MARCH 11, 1906.

AUSTIN B. FLETCHER, Esq., *Secretary, Massachusetts Highway Commission*.

DEAR SIR: — You state that the Massachusetts Highway Commission requests my opinion upon the following facts: —

In 1905 the selectmen of Lenox, acting under the authority of St. 1905, c. 366, passed certain regulations excluding automobiles and motor cycles from specified roads within the town of Lenox, and regulated the speed thereof throughout such town as follows: —

Speed limits: In fire district, eight miles per hour; outside, fifteen miles per hour.

No protest having been made, as provided for in said chapter, the Massachusetts Highway Commission caused to be posted on the roads from which motor vehicles were excluded by local regulation the signs required by the statute, but did nothing in the matter of posting the ways where the regulation specified that the speed limit should be fifteen miles per hour, or the roads within the fire district where the speed limit was set at eight miles per hour, for the reason that the limitation imposed was identical with that fixed as an extreme limit by St. 1903, c. 473, § 8.

St. 1906, c. 412, § 1, established a rate of twelve miles for the thickly settled or business part of a city or town, and a rate of twenty miles outside such thickly settled or business portion, as the extreme limit of speed.

Your letter then proceeds as follows:—

The commissioners are doubtful as to what their duty now is. They are uncertain as to whether the Acts of 1906 nullify what the selectmen in 1905 thought was a special regulation, or whether the fifteen-mile speed mentioned in the regulation, which then agreed with the State law, now becomes a special regulation, under the Acts of 1905, chapter 366.

St. 1905, c. 366, § 1, which so far as quoted is substantially the same as St. 1906, c. 412, § 9, provides that:—

The city council of a city or the board of aldermen of a city having no common council, and the selectmen of a town, may make special regulations as to the speed of automobiles and motor cycles and as to the use of such vehicles on particular roads or ways, including their complete exclusion therefrom. . . . Such special regulations shall be posted conspicuously by or under the direction of the Massachusetts highway commission on sign boards at such points as the board may deem necessary. . . .

The question submitted must be determined by the definition to be given to the term "special regulation," as used in the provisions of St. 1905, c. 366:—

Such special regulation shall be posted conspicuously by or under the direction of the Massachusetts highway commission on sign boards at such points as the board may deem necessary.

I am of opinion that this phrase is to be construed to include all regulations made by any city or town in pursuance of the authority conferred by that statute or by any of its amendments. The general regulation is the speed limit established by the statute of the Commonwealth; the special regulation is that established by any city or town under authority of the statute; and in my judgment it is immaterial whether this regulation coincides with the extreme limit established by statute or not. It is, therefore, the duty of the State Highway Commission to post such regulations as are made by cities or towns in accordance with the provisions of the statute directing that in cases where no protest is made it shall be the duty of the commission to

post the regulation in question conspicuously on sign boards at such points as the Board may deem necessary. It follows that it was the duty of the commission to post these regulations when first passed; and that duty remains unaffected by the provisions of St. 1906, c. 412, which amended the former act by striking out the words "fifteen days," in the nineteenth line, and inserting in place thereof the words "sixty days," but did not otherwise alter the provisions of law.

I am unable to appreciate the force of the suggestion that by the amending act (St. 1906, c. 412, § 9), which made no change in St. 1905, c. 366, § 1, further than substituting the word "sixty" for the word "fifteen" in the nineteenth line of such section, all by-laws or ordinances relating to or regulating the use of automobiles in force upon June 24, 1906, were rendered null and void.

An amendatory statute is in general to be read into and construed as a part of the act amended, and the repetition of provisions contained in the earlier act serves only to continue them as parts of the original enactment. See *United Hebrew Association v. Benshimol*, 130 Mass. 325; *McLaughlin v. Newark*, 57 N. J. L. 298.

In the present case it is inconceivable that the Legislature, by an amendment which involves merely the alteration of a single word, should have intended thus indirectly and by implication to give a new and more comprehensive meaning to the word "now" as used in that provision, which is merely a repetition of law already existing, — that "no ordinance, by-law or regulation now in force in any city or town . . . shall hereafter have any force or effect," or to accomplish so comprehensive a result as the repeal of all municipal ordinances or regulations upon the subject of automobiles which existed at the date when such amendment became operative.

Your communication contains a further reference to the regulation adopted by the town of Harwich, upon which you submitted an inquiry on Oct. 25, 1906, and which I have duly considered, relative to the authority of a city or town to establish a speed limit applicable to the several divisions of the town, as, for instance, the thickly settled portion of the town and the part without the thickly settled portion. Assuming that in the present case the term "fire district" substantially coincides with the "thickly settled portion of the town," I am of opinion that such regulation is clearly within the authority of the town; and in any

event it may be doubted how far there is jurisdiction in the Massachusetts Highway Commission to pass upon the legality or sufficiency of such regulations as adopted by the several cities and towns. In cases where no protest is made or hearing granted, their duty would seem to be simply to cause such rules and regulations to be conspicuously posted at the proper points.

Very truly yours,

DANA MALONE, *Attorney-General*.

Constitutional Law — Acceptance of Statute — Approval by Majority of Qualified Voters of Commonwealth.

So much of Senate Bill No. 9, entitled "An Act to fix the punishment for the crime of murder," as purports to provide that such act shall take effect when approved by a majority of the voters of the Commonwealth, is unconstitutional.

APRIL 3, 1907.

HUGH P. DRYSDALE, Esq., *Clerk, Committee on the Judiciary*.

DEAR SIR:—I have your letter in which you say that the joint judiciary committee ask my opinion as to the constitutionality of section 5 of Senate Bill No. 9. The title of that bill is, "An Act to fix the punishment for the crime of murder." Said section 5 reads as follows:—

This act shall take effect when approved by a majority of the qualified voters of the Commonwealth at the next annual state election.

In the Opinion of the Justices, 160 Mass. 586, our Supreme Judicial Court has said that there is nothing in our Constitution which would lead one to think that the people desired that any law should ever be submitted to them for approval or rejection; that by the Constitution the Senate and the House of Representatives have been made the legislative department of the government.

Apparently it was thought that the persons selected for the executive, legislative and judicial offices in the manner prescribed in the Constitution would be men of good character and intelligence, of some experience in affairs and of some independence of judgment, and would have a better opportunity of obtaining information, taking part in discussion and carefully considering conflicting opinions,

than the people themselves; and the people therefore put the responsibility of carrying on the government upon their representatives.

The question under consideration was an act granting to women the right to vote in town and city elections. The act provided that it should take effect throughout the Commonwealth on its acceptance by a majority vote of the voters of the whole Commonwealth.

The question was further considered in the case of *Brodhine v. Revere*, 182 Mass. 600; and the court, speaking by Chief Justice Knowlton, said: —

It is well established in this Commonwealth and elsewhere that the Legislature cannot delegate the general power to make laws, conferred upon it by a Constitution like that of Massachusetts. This doctrine is held by the courts almost universally.

These decisions seem conclusive, and I am therefore of opinion that it would be unconstitutional to provide that said act shall take effect when approved by a majority of the voters of the Commonwealth.

Very truly yours,

DANA MALONE, *Attorney-General*.

Massachusetts State Sanatorium — Application — Preference of Citizens.

Under the provision of St. 1907, c. 222, § 1, that "preference shall be given to those applicants who are citizens of the Commonwealth," the trustees of the Massachusetts State Sanatorium are authorized to give precedence in cases of tuberculosis: first, to incipient cases of citizens; second, to advanced cases of citizens; third, to incipient cases where the applicants are not citizens; and fourth, to advanced cases where the applicants are not citizens.

APRIL 11, 1907.

J. F. A. ADAMS, M.D., *Chairman, Board of Trustees of Massachusetts State Sanatorium.*

DEAR SIR: — I have your letter of the 4th, in which you say that the trustees of the Massachusetts State Sanatorium desire to ask my opinion on the effect of chapter 222 of the Statutes of 1907, section 1 of which is as follows: —

In the admission of persons to the Massachusetts state sanatorium preference shall be given to those applicants who are citizens of the Commonwealth.

You say that the State Sanatorium was established by St. 1895, c. 503, under the name of Massachusetts Hospital for Consumptives and Tubercular Patients; that the name was changed to Massachusetts State Sanatorium by St. 1900, c. 192; that there is no provision of law which defines the objects of the institution or the admission of patients; that cases of tuberculosis are divided by the medical profession into three classes, according to the progress the disease has made, — (1) incipient, (2) advanced and (3) far advanced; and that the trustees have for the past ten years admitted only persons who after medical examination were pronounced to be in the incipient stages of tuberculosis, believing that in so doing they were best carrying out the object of the institution, but that whenever there were not sufficient incipient cases to fill the institution, moderately advanced cases were accepted, and that incurable cases are not accepted. You say there are not sufficient applications from incipient cases to fill the sanatorium, and moderately advanced cases are frequently admitted, but only when their admission does not result in preventing the admission of incipient cases.

You ask whether chapter 222 of the Acts of 1907 compels you to admit persons in the moderately advanced or incurable stages of tuberculosis who are citizens of Massachusetts, in preference to applicants in the incipient stages of tuberculosis who are residents but not citizens.

I think the law as it stands to-day authorizes you to admit (1) incipient cases where the persons are citizens, (2) advanced cases where the persons are citizens, and preference must be given to these two. I see no objection to your making a rule that you will not admit far advanced cases. If you should do that, you can then, after having provided for the incipient and advanced cases where the applicants are citizens, admit, first, incipient cases where the applicants are not citizens, and then advanced cases where the applicants are not citizens.

In other words, my conclusion is that you would be warranted in giving preference (1) to incipient cases of citizens, (2) to advanced cases of citizens, (3) incipient cases where the applicants are not citizens, and (4) advanced cases where the applicants are not citizens.

Very truly yours,

DANA MALONE, *Attorney-General*.

*County Commissioners of Bristol County — Compensation for
Services as Members of Joint Board.*

The Governor and Council may not provide compensation for the county commissioners of the county of Bristol for services as members of the joint board created by St. 1903, c. 462, to locate and construct a new drawbridge over Great Taunton River, and consisting of the Board of Railroad Commissioners, the Board of Harbor and Land Commissioners, and the county commissioners of the county of Bristol.

APRIL 16, 1907.

To His Excellency CURTIS GUILD, Jr., *Governor.*

SIR: — My opinion is asked orally by Your Excellency as to whether or not the Governor and Council may provide compensation for the county commissioners of the county of Bristol for their services as members of the joint board created by chapter 462 of the Acts of 1903, to locate and construct a new drawbridge over Great Taunton River, between the city of Fall River and the town of Somerset.

Section 1 of this chapter provides that: —

The board of railroad commissioners, the board of harbor and land commissioners and the county commissioners of the county of Bristol, who are constituted a joint board to act by a majority vote of all the members, are hereby authorized and directed to locate and construct a new drawbridge between the city of Fall River and the town of Somerset, over Taunton Great river . . .

Section 5 provides for the appointment of a special commission to estimate and determine the towns, cities and corporations to be assessed for the cost of constructing and maintaining the bridge.

Section 6 provides that: —

. . . The members of the board of railroad commissioners, the board of harbor and land commissioners and the special commission appointed under this act shall receive such compensation as the governor and council shall approve, the same to be paid by the county of Bristol. . . .

I am of opinion that the Governor and Council have no authority under the act in question to approve or vote any compensation to the county commissioners of Bristol County. The words "special commission" do not in my opinion indi-

cate the whole of the joint commission, but refer to the special commissioners to be appointed under section 5.

Very truly yours,

DANA MALONE, *Attorney-General*.

*Registered Pharmacist — Conduct of Business — Attendance of
Registered Pharmacist.*

R. L., c. 76, § 23, requires that an unregistered member of a copartnership engaged in the business of pharmacy, who compounds for sale or dispenses for medicinal purposes drugs, medicines, chemicals or poisons, shall do so only under the personal supervision of a registered pharmacist.

APRIL 18, 1907.

WILLIAM F. SAWYER, Esq., *Secretary, Board of Registration in Pharmacy.*

DEAR SIR:—By your communication of March 28 you seek my opinion upon the question whether, under R. L., c. 76, § 23, it is necessary “for a registered pharmacist to be in attendance at all times in a drug store while conducting the business of a pharmacist.” The section referred to is as follows:—

The provisions of sections twenty-one to twenty-nine, inclusive, of chapter one hundred, section twenty-six of chapter seventy-five and section two of chapter two hundred and thirteen shall not apply to physicians who put up their own prescriptions or dispense medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture or sale of patent and proprietary medicines; nor to the sale of non-poisonous domestic remedies usually sold by grocers and others; nor shall any unregistered member of a copartnership be liable to the penalties hereof if he retails, compounds for sale or dispenses for medicinal purposes drugs, medicines, chemicals or poisons only under the personal supervision of a registered pharmacist. The widow, executor or administrator of a registered pharmacist who has died or the wife of one who has become incapacitated may continue his business under a registered pharmacist.

In reply I beg to advise you that the statute clearly requires that an unregistered member of a copartnership who compounds for sale or dispenses for medicinal purposes drugs, medicines, chemicals or poisons shall do so only under the personal super-

vision of a registered pharmacist, and such supervision can exist only when a registered pharmacist is present.

Very truly yours,

DANA MALONE, *Attorney-General*.

Labor — Eight-hour Law — Domestic Servants — Holidays.

Under St. 1907, c. 269, amending St. 1906, c. 517, and providing that no laborer, workman or mechanic employed by or on behalf of the Commonwealth or of any county therein or in any city or town which has accepted the provisions of R. L., c. 106, § 20, "shall be requested or required to work more than eight hours in any one calendar day or more than forty-eight hours in any one week, except in cases of extraordinary emergency," cooks, maids, or other domestic servants may not be requested or required to work more than eight hours in any one calendar day or more than forty-eight hours in any one week, except in cases of extraordinary emergency.

No workman, laborer or mechanic so employed may be requested to work more than eight hours in any one calendar day, except in cases where a Saturday half-holiday is given, in which case the hours of labor on other working days may be increased to make a total of forty-eight hours for the week's work.

Employees may arrange between themselves to substitute for each other in providing for vacation periods; but they may not be requested or required so to do by their employers if it results that such arrangement involves more than eight hours' work by any of the parties in any one day.

Where an employee at a State insane hospital, as a precautionary measure, is required to remain and to sleep in a room adjoining the room of a patient or a dormitory, the time of sleep is not to be considered as time on duty.

APRIL 26, 1907.

E. V. SCRIBNER, M.D., *Superintendent of the Worcester Insane Hospital*.

DEAR SIR: — I have your letter of the 25th, in which you ask my opinion upon certain questions relative to the so-called eight-hour law, being chapter 269 of the Acts of 1907, section 1 of which reads as follows: —

Section one of chapter five hundred and seventeen of the acts of the year nineteen hundred and six is hereby amended by inserting after the word "laws," in the sixth line, the following: — No laborer, workman or mechanic so employed shall be requested or required to work more than eight hours in any one calendar day or more than forty-eight hours in any one week except in cases of extraordinary emergency. Only a case of danger to property, to life, to public

safety, or to public health shall be considered a case of extraordinary emergency within the meaning of this section. Engineers shall be considered mechanics within the meaning of this act,—and by adding at the end of the section the following:—Threat of loss of employment or threat to obstruct or prevent the obtaining of employment, or threat to refrain from employing in the future shall be considered requiring within the meaning of this section,—so that the section as amended will read as follows:—*Section 1.* Eight hours shall constitute a day's work for all laborers, workmen and mechanics now or hereafter employed by or on behalf of the Commonwealth, or of any county therein, or of any city or town which has accepted the provisions of section twenty of chapter one hundred and six of the Revised Laws. No laborer, workman or mechanic so employed shall be requested or required to work more than eight hours in any one calendar day or more than forty-eight hours in any one week except in cases of extraordinary emergency. Only danger to property, to life, to public safety or to public health shall be considered cases of extraordinary emergency within the meaning of this section. Engineers shall be considered mechanics within the meaning of this act. But in cases where a Saturday half-holiday is given the hours of labor upon the other working days of the week may be increased sufficiently to make a total of forty-eight hours for the week's work. Threat of loss of employment or threat to obstruct or prevent the obtaining of employment, or threat to refrain from employing in the future shall be considered requiring within the meaning of this section.

1. You ask: "Is it permissible to employ domestics on the hourly basis?"

By domestics I assume that you mean house servants, both men and women; and I am of opinion that neither men nor women can be requested or required to work more than eight hours in any one calendar day, nor more than forty-eight hours in any one week, except in cases of extraordinary emergency.

2. "May employees work overtime on other days, to make up for a holiday on any other day than Saturday?"

They cannot be requested or required to work more than eight hours in any one calendar day except in cases where a Saturday half-holiday is given, in which case the hours of labor upon the other working days of the week may be increased sufficiently to make a total of forty-eight hours for the week's work.

3. "Are cooks, maids and other domestics included under the eight-hour law?"

I am of opinion that they are so included. R. L., c. 8, § 4, cl. 4, provides: "Words importing the masculine gender may be ap-

plied to females.” The Supreme Court of the United States, in the case of *Silver v. Ladd*, 7 Wall. 219, held that the words “single man” and “married man,” in construing a benevolent statute of the government made for the benefit of its own citizens, must be taken in the generic sense; and that an act of Congress, granting by way of donation land in Oregon Territory to every white settler or occupant, embraced within the term “single man” an unmarried woman. I have no reason to think the Legislature intended to discriminate between men and women doing the same work, by providing that a man should not be required to work more than eight hours, while a woman might be required to work much longer.

4. “May employees arrange between themselves to substitute for each other, thus exchanging time off duty, — as, for instance, in arranging for a vacation of two weeks?”

There is no reason why they may not do so by mutual agreement; but they should not be requested or required to work more than eight hours in any one day by their employer.

5. “If an employee, as a precaution in case of fire or other emergency, is required to remain in a room adjoining a patient’s room or dormitory, this employee being allowed and expected to go to bed and go to sleep, is this time of sleep to be considered as time on duty?”

No. It is no more a requirement than if you requested your employees to sleep in any particular building upon the premises of the hospital.

Very truly yours,

DANA MALONE, *Attorney-General*.

Board of Metropolitan Park Commissioners — Rules and Regulations — Roadways — Violation of Rules and Regulations — Arrest — Warrant.

The authority of the Metropolitan Park Commission, under St. 1893, c. 407, § 4, and St. 1894, c. 288, § 3, to make rules and regulations for the government and use of open spaces, lands, rights and easements or interests in land, is the same whether such lands or rights, easements or interests in land to which such rules are applicable were acquired and are controlled by such commission under St. 1893, c. 407, § 6, or St. 1896, c. 465, § 2.

The term “roadways,” as used in St. 1894, c. 288, § 3, includes roadways under the care of the Metropolitan Park Commission, constructed upon lands acquired under St. 1893, c. 407, §§ 4 and 6.

A police officer appointed by the Metropolitan Park Commission may arrest without warrant any person who violates in his presence any rule or regulation duly made by such commission by authority of St. 1894, c. 288; and may arrest without warrant any person who violates in his presence any rule or regulation duly made by such commission by authority of St. 1903, c. 407, whenever such violation involves acts which are in fact breaches of the public peace.

MAY 10, 1907.

JOHN WOODBURY, Esq., *Secretary, Board of Metropolitan Park Commissioners.*

DEAR SIR: — By a communication dated April 10, 1907, your Board inquires: —

1. Whether or not the commission has authority to make rules and regulations for the government and use of open spaces, lands, rights, easements or interests in lands transferred to its care and control under either St. 1893, c. 407, § 6, or St. 1896, c. 465, § 2.

2. Whether or not the term “roadways,” referred to in St. 1894, c. 288, § 3, includes roadways under the care of the commission, constructed upon lands acquired under St. 1893, c. 407, §§ 4 and 6.

3. Whether or not a police officer appointed by the commission may arrest without warrant a person committing in his presence a violation of a rule enacted under either St. 1893, c. 407, § 4, or St. 1894, c. 288, § 3.

The open spaces, lands, rights, easements or interests in lands referred to in the first inquiry are those transferred to the care and control of the Metropolitan Park Commission under the following statutes: —

St. 1893, c. 407, § 6: —

Any city or town within said district, or any local board of such city or town, with the latter's consent, is hereby authorized and empowered to transfer the care and control of any open space owned or controlled by it to the metropolitan park commission, upon such terms and for such period as may be mutually agreed upon; or to enter into an agreement with said commission for the joint care and preservation of open spaces within or adjacent to such city or town; and the metropolitan park commission may in like manner transfer the care and control of any open space controlled by it to any local board of a city or town within the said district, with the consent of such city or town and upon such terms and for such period as may be mutually agreed upon.

St. 1896, c. 465, § 2:—

Said commission is hereby authorized and empowered to transfer for care and control, including police protection, any lands or rights or easements or interest in land, although the same be a roadway or boulevard owned or controlled by it, to any city, town or county, or local board of a city or town within the metropolitan parks district, with the consent of such city, town, county or board, and upon such terms and for such period as may be mutually agreed upon, and to enter into an agreement with any such city, town or county or board for the joint care and control or police protection of said land or boulevard, and also for laying out, constructing and maintaining streets or ways into or across any such land or boulevard; and any city, town or county, or any local board within the metropolitan parks district, is hereby authorized and empowered to transfer for care and control, including police protection, any land, rights, easements or interest in land in its control, although the same be already a part of a public street owned or controlled by it, to the metropolitan park commission for such period and upon such terms as may be mutually agreed upon, and to enter into an agreement with said commission for the joint care and control, including police protection, of said land or street.

The powers of the commission in the premises were first defined in St. 1893, c. 407, § 4, which provided that:—

Said board shall have power to acquire, maintain and make available to the inhabitants of said district open spaces for exercise and recreation; and to this end, acting so far as may be in consultation with the proper local boards, shall be authorized to take, in fee or otherwise, in the name and for the benefit of the Commonwealth, by purchase, gift, devise or eminent domain, lands and rights in land for public open spaces within said district, or to take bonds for the conveyance thereof; . . .

In furtherance of the powers herein granted, said board may employ a suitable police force, make rules and regulations for the government and use of the public reservations under their care, and for breaches thereof affix penalties not exceeding twenty dollars for one offence, to be imposed by any court of competent jurisdiction; and in general may do all acts needful for the proper execution of the powers and duties granted to and imposed upon said board by the terms of this act. . . .

St. 1894, c. 288, the so-called “boulevard act,” provided in section 1 that the Board of Metropolitan Park Commissioners

might connect any road, park, way or other public open space with any part of the cities or towns of the metropolitan parks district under its jurisdiction, by a suitable roadway or boulevard; and such commission was given for this purpose authority to exercise any of the rights and powers granted to it by the earlier act, in the manner therein prescribed, as well as the power to take or acquire, in fee or otherwise, by purchase, gift, devise or eminent domain, lands or rights or easements or interest in land within the metropolitan parks district, although the land so taken or any part of it was already a street or way. Section 3 is in part as follows:—

In furtherance of the powers herein granted said board may appoint clerks, police and such other employees as it may from time to time find necessary for the purposes of this act, remove the same at pleasure, and make rules and regulations for the government and use of the roadways or boulevards under its care, breaches whereof shall be breaches of the peace, punishable as such in any court having jurisdiction of the same; and in addition said board shall have the same rights and powers over and in regard to the roadways or boulevards taken and constructed hereunder as are or may be vested in them in regard to other open spaces by said chapter four hundred and seven and acts in amendment thereof and in addition thereto, and shall also have such rights and powers in regard to the same as, in general, counties, cities and towns have over public ways under their control.

In an opinion by Attorney-General Parker, dated Aug. 21, 1903 (2 Op. Atty.-Gen., 454), relating to the police jurisdiction of the Metropolitan Park Commission, it is said:—

It follows, therefore, that the authority of the Metropolitan Park Commission with regard to police regulation of public open spaces does not differ from that which they have over parkways and boulevards as defined in the opinion of last year already referred to (See 2 Op. Atty.-Gen., 363).

St. 1894, c. 288, did not contain any provision by which a city or town within the district was empowered to transfer to the Metropolitan Park Commission open spaces within the control or ownership of such city or town, or to enter into joint agreements for the care or preservation of open spaces, or by which the commission might transfer the care and control of open spaces to any local board of a city or town, as appears in

St. 1893, c. 407, § 6, above quoted. This omission was supplied in St. 1896, c. 465, entitled "An Act to better define the authority of the Metropolitan Park Commission." This statute, in section 1, deals exclusively with roadways or boulevards (see 1 Op. Atty.-Gen., 588, 593): and in my opinion is to be construed to be supplementary to St. 1894, c. 288. Section 2 of chapter 465 of the Acts of 1896 is hereinbefore quoted.

I am of opinion that, so far as the power and authority of the Metropolitan Park Commission to make rules and regulations for the government of public open spaces, roadways or boulevards is involved, it is the same whether the lands or rights, easements or interest in land, to which such rules are applicable, were acquired by the Board and are controlled by it under St. 1893, c. 407, § 6, or St. 1896, c. 465, § 2: and that such authority is defined in St. 1893, c. 407, § 4, and St. 1894, c. 288, § 3. (See 2 Op. Atty.-Gen., 454.)

The second inquiry deals with the term "roadways," as used in St. 1894, c. 288, § 3; and the substance of the inquiry is whether or not roadways constructed by the Metropolitan Park Commission upon lands acquired and held as open spaces, under the provisions of St. 1893, c. 407, are to be considered as parkways, roadways or boulevards constructed under the provisions of St. 1894, c. 288.

I am of opinion that they are to be so considered. It has already been decided that the commission may expend the money appropriated under the "boulevard act," so called (St. 1894, c. 288), in constructing a roadway over land already acquired by such board under St. 1893, c. 407, if the purpose of such connection is to connect a road, park, way or other public open space within any part of the cities or towns of the metropolitan parks district under the jurisdiction of the commission (Attorney-General's Report, 1905, p. 11); and a consideration of the provisions of St. 1894, c. 288, appears to warrant a conclusion that it was contemplated by the Legislature that the commission should under such statute be authorized to construct parkways or boulevards across existing parks or open spaces under its control. This is forcibly shown by striking out of section 1 of such act such words and phrases as do not directly bear upon the present question, so that it reads as follows:—

The board of metropolitan park commissioners, constituted under the authority of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three is hereby authorized to take

. . . any lands . . . although the lands so taken . . . be already a street or way, and to construct and maintain . . . over the same or any other land acquired by said board by said act a suitable roadway or boulevard.

The word "same" in the above extract obviously refers to lands taken under the provisions of St. 1894, c. 288; while the words "or any other land acquired by said board by said act" as obviously refer to lands taken or acquired by the commission under the provisions of St. 1893, c. 407. (See words "said act," in eighth line of St. 1894, c. 288, § 1.)

It follows, therefore, in my opinion, that the Board is expressly authorized to construct, under the provisions of St. 1894, c. 288, roadways across public reservations or open spaces taken or acquired by it under the provisions of St. 1893, c. 407, and may make rules and regulations for the government and control of such roadways, under the provisions of the former statute, the so-called "boulevard act;" or, in other words, that St. 1894, c. 288, § 3, providing that the commission may "make rules and regulations for the government and use of a roadway or boulevard under its care, breaches whereof shall be breaches of the peace," is applicable as well to such roadways as to parkways or boulevards which connect with but do not cross the open spaces or reservations established under the "park act," so called.

The remaining question is, whether or not a police officer appointed by the commission may arrest without warrant any person who violates in his presence a rule or regulation duly made by the commission under either the "park act" or the "boulevard act."

The powers and duties of the metropolitan park police are defined in St. 1897, c. 121, § 3, as follows:—

The police appointed or employed by said commission, in accordance with the provisions of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three and chapter two hundred and eighty-eight of the acts of the year eighteen hundred and ninety-four and all acts in amendment thereof and in addition thereto, shall have within the metropolitan parks district all the powers of police officers and constables of cities and towns of this Commonwealth, except the power of serving and executing civil process, and when on duty may carry such weapons as said commission shall authorize.

The power of police officers and constables to arrest without warrant any person committing in their presence a breach of the

peace, and to hold such person until he can be brought before a magistrate, has long been recognized.

It has often been held that constables, as conservators of the peace, have power to arrest, upon view, persons violating the laws, and detain them until they can be brought before a magistrate. (Shaw, C.J., in *Commonwealth v. Hastings*, 9 Met. 259, 262.)

And see *Commonwealth v. Tobin*, 108 Mass. 426, 429; *Parker v. Barnard*, 135 Mass. 116, 117.

And the common law authority of such officers has been much broadened by statute. So it is provided in R. L., c. 31, § 2, that:—

The watch shall suppress and prevent all disturbances and disorders. During the night time, they may examine all persons abroad whom they have reason to suspect of an unlawful design, and may demand of them their business abroad and whither they are going; may disperse any assembly of three or more such persons; and may enter any building to suppress a riot or breach of the peace therein. Persons so suspected who do not give a satisfactory account of themselves, persons so assembled and who do not disperse when ordered, and persons making, aiding or abetting in a riot or disturbance, may be arrested by the watch, and shall thereupon be safely kept, by imprisonment or otherwise, until the next morning and then taken before a police, district or municipal court or trial justice to be examined and prosecuted.

And in R. L., c. 212, § 36:—

Whoever is found in a state of intoxication in a public place, or is found in any place in a state of intoxication committing a breach of the peace or disturbing others by noise, may be arrested without a warrant by a sheriff, deputy sheriff, constable, watchman or police officer, and kept in custody in a suitable place until he has recovered from his intoxication.

In R. L., c. 212, § 47, it is provided that in the case of rogues and vagabonds and other persons enumerated in the preceding section, they—

may be apprehended by a sheriff, deputy sheriff, constable, police officer or watchman, or by any other person by the order of a magistrate or any of said officers, without a warrant and be kept in custody for not more than twenty-four hours, Sunday or a legal holiday excepted; and at or before the expiration of such time he shall be taken before a police, district or municipal court or trial

justice and proceeded against, as provided in the preceding section, or discharged as such court or justice shall determine.

See also St. 1906, c. 403; R. L., c. 212, §§ 51-62, etc.

It would seem, therefore, that the metropolitan park police, having all the powers of police officers and constables with respect to offences against the law, may arrest without warrant in case of any breach of the peace committed in their presence or in the case of any criminal act when by statute a warrant is dispensed with; and it remains to determine whether or not a breach of the rules and regulations established by the Metropolitan Park Commission is a breach of the peace within the rule apparently established by the decisions. In the case of rules or regulations made under the provisions of St. 1894, c. 288, no difficulty arises, for by section 3 breaches thereof are expressly made "breaches of the peace, punishable as such in any court having jurisdiction of the same." St. 1893, c. 407, does not contain identical language with this section, the words in that statute (section 4) being that the Metropolitan Park Commission may "make rules and regulations for the government and use of the public reservations under their care, and for breaches thereof affix penalties . . . to be imposed by any court of competent jurisdiction:" and it is, of course, conceivable that the addition of the specific declaration in the later act, that violations of the rules and regulations relating to parkways and boulevards shall be breaches of the peace, was intended to create a distinction between the rules relating to reservations and public open spaces, and those applicable to parkways and boulevards; even if this be so, however, the distinction is not of great importance, for, so far as the violations of rules established under St. 1893, c. 407, § 4, do in fact constitute disturbances of the public peace upon such reservations or open spaces, they may be so treated, and the offender may be arrested without warrant, the officer in such case acting by authority inherent in his office. See *Commonwealth v. Tobin*, 108 Mass. 426, 429. And this class of offences must include by far the larger number of the cases in which the officer is called upon to act.

Replying directly to the question as submitted, therefore, I am of opinion that a police officer appointed by the commission may arrest without warrant any person who violates in his presence any rule or regulation duly made by the commission by authority of St. 1894, c. 288, the so-called "boulevard act," and may arrest

without warrant any person who violates in his presence any rule or regulation duly made by the commission by authority of St. 1893, c. 407, the so-called "park act," whenever such violation involves acts which are in fact breaches of the public peace.

Very truly yours,

DANA MALONE, *Attorney-General*.

*Treasurer and Receiver-General—Bonds of Commonwealth—
Issue—Transfer to Executor or Administrator.*

The Treasurer and Receiver-General, under R. L., c. 6, § 74, which provides "that the treasurer may . . . issue in substitution for mutilated, defaced or indorsed bonds presented to him other bonds of like or equivalent issues," may, at the request of an executor or administrator, transfer to such executor or administrator in his individual capacity bonds issued by the Commonwealth to a decedent or to the executor or administrator of a decedent, provided that in the case of an executor there is nothing in the will restricting his general authority in the premises.

MAY 23, 1907.

HON. ARTHUR B. CHAPIN, *Treasurer and Receiver-General*.

DEAR SIR:—You request my opinion as to whether you may, at the request of an executor or administrator, transfer bonds issued by the Commonwealth to such executor or administrator in his individual capacity. I assume that your question applies to bonds registered in the name of the decedent as well as to those registered in the name of an executor or administrator as such.

Your authority to transfer bonds is derived from section 74 of chapter 6 of the Revised Laws, which provides that:—

The treasurer may . . . issue in substitution for mutilated, defaced or indorsed bonds presented to him other bonds of like or equivalent issues.

There can be no doubt that in the case of bonds registered in the name of a deceased person, or of an executor or administrator as such, that the executor or administrator is the proper person to endorse them. You may, therefore, in the ordinary case legally register bonds so endorsed in the name of the transferee, upon satisfying yourself that the endorser is the executor or administrator. In my opinion, your duties in this regard are analogous to those of corporations with respect to the transfer of

their corporate shares. It has been held that a corporation must be presumed to know what are the legal powers of an executor, but not the particular provisions of any will; nor is it required to determine whether or not the executor is acting properly. *Hutchins v. State Bank*, 12 Met. 421 (423). When a transfer of its stock is presented to a corporation, it is bound at its peril to see that it is a genuine transfer by one who has power of disposition over the stock; but when a transfer by one who has the full power to transfer it is presented, the corporation has the right to act upon it, and it is not its duty to inquire into the purposes of the parties or to investigate the question whether that transaction is in good faith or is fraudulent. *Crocker v. Old Colony R.R. Co.*, 137 Mass. 417.

In the case of an executor I think it would be wise, although not absolutely necessary, to satisfy yourself that there is nothing in the will restricting his general authority as executor. In the absence of any such restriction upon the authority of an executor, and in any case without investigating the authority of an administrator, you may properly transfer bonds duly endorsed, without regard to the person to whom the endorsement runs.

Very truly yours,

DANA MALONE, *Attorney-General*.

Civil Service — Vendor of Intoxicating Liquors — Agents.

The words "vendor of intoxicating liquors," as used in R. L., c. 19, § 16, relating to the civil service, which provides in part that "no vendor of intoxicating liquors shall be appointed to or retained in any office, appointment or employment to which the provisions of this chapter apply," are applicable to one who either as principal or agent sells intoxicating liquor, and would include persons who drive about among the customers of their employers and deliver intoxicating liquors and collect money from such customers, and who make sales upon their routes, as well as persons who are employed as bartenders.

MAY 24, 1907.

HON. CHARLES WARREN, *Chairman, Civil Service Commissioners*.

DEAR SIR: — You request me to define the words "vendor of intoxicating liquors," as used in section 16 of chapter 19 of the Revised Laws, relating to the civil service. That section is as follows: —

No person habitually using intoxicating liquors to excess and no vendor of intoxicating liquors shall be appointed to or retained in any office, appointment or employment to which the provisions of this chapter apply.

The only real question as to the meaning of the word as used in this statute is whether or not it includes an agent as well as a principal. A vendor is "the seller; one who disposes of a thing in consideration of money." (Bouvier's Law Dictionary.) The vendor of land, as distinguished from the grantor, is he who negotiates the sale and becomes the recipient of the consideration, though the title comes to the vendee from another source and not from the vendor. *Rutland v. Brister*, 53 Miss. 683, 685. Thus, one who contracts to sell land which he does not own is a vendor. Of course the vendor is not in such case necessarily the agent of the grantor. The important thing is, however, that the vendor sells that to which he has no title.

An early draft of the civil service bill used the words "person who holds a license for the sale," instead of the word "vendor." The bill as enacted contained the word "vendor," as at present. This clearly indicates an intention on the part of the Legislature to enlarge the restriction, and I am of opinion that the restriction so enlarged includes agents for the sale of intoxicating liquor, as well as principals.

A vendor of intoxicating liquor would be, therefore, one who, either as principal or agent, sells intoxicating liquor. Persons, therefore, who in driving around among the customers of their employers and delivering beer, ale or other intoxicating liquors, collect money from these customers to whom the goods have been sold, and also sell to any on their routes who may wish to be supplied, and collect money on such sales, also persons who are employed as bartenders but who are not owners of liquor businesses, are, in my opinion, vendors of intoxicating liquors within the meaning of section 16 of chapter 19 of the Revised Laws.

Very truly yours,

DANA MALONE, *Attorney-General*.

Clerks of Courts — Fees for Naturalization — County Accounts.

Clerks of courts having jurisdiction to naturalize aliens as citizens of the United States, under the act of Congress of June 29, 1906, are not entitled to retain for their own use one-half of the naturalization fees received by them under such act, and all such fees should be paid over to the treasurer of the county for which such court is constituted.

MAY 24, 1907.

CHARLES R. PRESCOTT, Esq., *Controller of County Accounts.*

DEAR SIR: — You ask my opinion as to whether clerks of courts can retain for their own use and benefit one-half of the naturalization fees under the naturalization law of the United States and the laws of this Commonwealth.

R. L. c. 165, § 37, provides: —

The annual salaries of clerks (of courts) shall be in full compensation for all services rendered by them in the civil or criminal courts, to the county commissioners, in making any returns required by law or in the performance of any other official duty except for such clerical assistance as may be allowed under the provisions of the following section.

Section 31 of said chapter is as follows: —

The clerks of the courts in the several counties, and of the supreme judicial court and the superior court in the county of Suffolk, shall keep a cash book, which shall be county property and shall be and remain a part of the records of the courts, in which they shall keep accounts of all fees received by them for their official acts and services, including fees for copies which they are not required by law to furnish, fees and money in proceedings relative to naturalization or for naturalization certificates, and all fees and money of whatever description or character received by them, or by any assistant or other person in their offices or employment, for any acts done or services rendered in connection with their said offices, and shall on or before the tenth day of each month pay over to the treasurer of the county, or to such other officer as is entitled to receive them, all fees received during the preceding calendar month, and shall render to him an account thereof under oath.

The United States Naturalization Act of June 29, 1906 (34 U. S. St. at Large, 596), provided in section 3 as follows: —

That exclusive jurisdiction to naturalize aliens as citizens of the United States is hereby conferred upon the following specified courts:

United States Circuit and District Courts now existing . . . ; also all courts of record in any state or territory now existing, or which may hereafter be created, having a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited.

It is further provided in section 13 of said act, as follows:—

That the clerk of each and every court exercising jurisdiction in naturalization cases shall charge, collect, and account for the following fees in each proceeding: . . . The clerk of any court collecting such fees is hereby authorized to retain one half of the naturalization fees collected by him in such naturalization proceeding; the remaining one half of the naturalization fees in each case collected by such clerks, respectively, shall be accounted for in their quarterly accounts which they are hereby required to render the Bureau of Immigration and Naturalization, and paid over to such bureau within thirty days from the close of each quarter in each and every fiscal year . . . In addition to the fees herein required, the petitioner shall deposit with and pay to the clerk of the court a sum of money . . . ; provided that the clerks of courts exercising jurisdiction in naturalization proceedings shall be permitted to retain one half of the fees in any fiscal year up to the sum of three thousand dollars.

You inquire:—

1. Have the clerks of courts heretofore referred to the right to retain for their own use one-half the naturalization fees received by them under the naturalization laws of the United States?

2. If they have not such right, to whom should said one-half be paid by said clerks?

You will observe that section 37 of chapter 165 of the Revised Laws provides that salaries of clerks shall be in full compensation for all services rendered by them in the civil or criminal courts; and that section 31 of said chapter provides that the clerks of courts in the several counties shall keep a cash book in which they shall keep accounts of all fees received by them for their official acts and services, including fees and money in proceedings relative to naturalization or for naturalization certificates, and all fees and money of whatever description or character received by them, etc., and shall on or before the tenth day of each month pay over to the treasury of the county all fees received during the preceding calendar month, and shall render to him an account thereof under oath.

It seems to me clear, therefore, that the clerks of courts cannot retain for their own use one-half of said naturalization fees received by them under the naturalization laws of the United States, as their duties and powers are prescribed by the laws of this Commonwealth, and they perform the duties required by the United States naturalization act by virtue of their offices as clerks of courts of this Commonwealth and not through appointment by the United States, and our law specially requires that all naturalization fees be paid over to the treasurer of the county.

Very truly yours,

DANA MALONE, *Attorney-General*.

Constitutional Law — Cities and Towns — Harvest and Sale of Ice — Taxation.

A proposed bill, entitled "An Act to authorize the city of Holyoke to harvest and sell ice at wholesale," which in part provides for the raising of money by taxation to directly defray the cost of the carrying on by such city of the business of harvesting and selling ice, or for the repayment of loans made for such purpose, is unconstitutional, as authorizing the raising of money by taxation for a purpose not public in its nature.

JUNE 12, 1907.

To His Excellency CURTIS GUILD, Jr., *Governor*.

SIR: — You request my opinion as to the constitutionality of a bill which has passed the Senate and the House of Representatives, entitled "An Act to authorize the city of Holyoke to harvest and sell ice at wholesale." This bill authorizes the city of Holyoke to "cut and harvest ice from any great pond or river in its limits and from any ponds or reservoirs used by the municipality as a water supply, and to store and sell the same at wholesale to the inhabitants of the city." It authorizes the taking of land or easements and the raising of money by taxation or by loan for the purpose of carrying out its provisions.

The principal question raised by your inquiry is whether or not the cutting and harvesting of ice and the storing and sale of the same at wholesale to the inhabitants of a municipality is a public purpose, for which money may be raised by taxation. The precise question has not been passed upon by our courts, nor, so far as I can discover, by the courts of any other State. The justices of the Supreme Judicial Court, however, have been called

upon to pass upon analogous questions. In the Opinion of the Justices, reported in 150 Mass. 592, the justices advised the House of Representatives that under the Constitution the Legislature has power to authorize cities and towns to manufacture and distribute gas or electric light for use in their public streets and buildings and for sale to their inhabitants. Long before that opinion was given it was held that the "supplying of a large number of inhabitants with pure water is a public purpose." *Lumbard v. Stearns*, 4 Cush. 60.

On the other hand, in an Opinion of the Justices to the House of Representatives, reported in 155 Mass. 598, a majority of the justices expressed the opinion that the Legislature could not under the Constitution authorize cities and towns to buy coal and wood for the purpose of sale to their inhabitants for fuel; and in an Opinion of the Justices to the House of Representatives, reported in 182 Mass. 605, the justices were unanimously of the opinion that in the absence of an extraordinary emergency it was not within the constitutional power of the Legislature to enact a law conferring upon cities and towns authority to establish and maintain municipal fuel or coal yards or to purchase coal and wood for the purpose of selling it generally to their inhabitants or others.

The line of distinction between these two classes of cases was pointed out in the opinion last referred to. It was there said (p. 608): —

The business of selling fuel can be conducted easily by individuals in competition. It does not require the exercise of any governmental function, as does the distribution of water, gas and electricity, which involves the use of the public streets and the exercise of the right of eminent domain. It is not important that it should be conducted as a single large enterprise with supplies emanating from a single source, as is required for the economical management of the kinds of business last mentioned. It does not even call for the investment of a large capital, but it can be conducted profitably by a single individual of ordinary means.

To my mind this language is as applicable to the business of selling ice to the inhabitants of a city or town generally as to the business of selling fuel to such inhabitants, and indicates that the conducting of such a business is not a public purpose, for which money may be raised by taxation. Moreover, when it is considered that the bill authorizes the sale of ice at wholesale only, it is even more apparent that the purpose is not public.

My conclusion, therefore, is that the bill concerning which you request my opinion, authorizing, as it does, the raising of money by taxation to provide directly for the cost of carrying on the business of harvesting and selling ice or for the repayment of loans made to provide therefor, is unconstitutional, as authorizing the raising of money by taxation for a purpose not public in its nature.

I am, with great respect, very truly yours,

DANA MALONE, *Attorney-General*.

Attorney-General — Legislative Committee — Preparation and Draft of Proposed Legislation.

It is not within the scope of the duties of the Attorney-General to draft proposed legislation, or to advise a committee of the Legislature except upon bills actually pending before it; but if so requested he may, in his discretion and as matter of courtesy, submit a draft of a bill for the consideration and assistance of such committee.

JUNE 18, 1907.

HON. WILLIAM O. FAXON, *Chairman of the Committee on Railroads*.

DEAR SIR:— Certain questions have been orally and informally referred to me with respect to a so-called merger of the Boston & Maine Railroad with the New York, New Haven & Hartford Railroad Company, and certain legislation designed to prohibit or control such merger has been submitted for my consideration.

I desire to point out to your committee that there is at present before me no evidence whatever of the actual and existing relations of the two companies above mentioned, except the statement of President Mellen that "certain interests identified with my company have placed the control of the Boston & Maine Railroad where my company can have it when they get the power to take it," and therefore that the use of the word "merger" in connection with such transactions as may have taken place between such corporations or the individual stockholders thereof is as yet unwarranted.

It would appear, however, that at present the effect of the action of the New York, New Haven & Hartford Railroad Company in the premises, and the object which that corporation is now seeking to attain, is to establish a control of the Boston & Maine Railroad through interests friendly to the New York, New

Haven & Hartford Railroad Company by means of the purchase of the stock of the Boston & Maine Railroad sufficient to enable the New York, New Haven & Hartford Railroad Company to elect such directors as it may desire to place in office, who might manage and operate the Boston & Maine Railroad in the interest of the corporation by whose stock they were elected, and to the possible disadvantage of the corporation of which they are officers and of the people of the Commonwealth.

St. 1906, c. 463, part II., § 57, provides in part that "a railroad corporation . . . shall not directly or indirectly subscribe for, take or hold the stock or bonds of or guarantee the bonds or dividends of any other corporation;" and actions brought under this section against the New York, New Haven & Hartford Railroad Company to test the legality of the means by which that corporation controls the stock in certain Massachusetts street railway companies are now pending before the Supreme Judicial Court. No evidence has come to my attention of any violation of this section of the statute, arising out of the attempted control of the Boston & Maine Railroad, nor is there such evidence in the report of the hearing before your committee.

Further legislation drawn by me and based upon the suggestions contained in His Excellency's message of June 5, 1907, now before your committee, is submitted herewith, as containing in proper legal form the views of His Excellency in the premises. In response to a vote of the committee, I also annex hereto a draft of a bill which in my judgment is sufficient, by reason of its provisions, to prevent the control of a corporation chartered by the Commonwealth from passing, through the purchase of its stock, into the hands of corporations or individuals less directly within and subject to the jurisdiction of the Commonwealth, and which in my opinion is a constitutional exercise of the powers of the Commonwealth in the premises.

Strictly it is not within the scope of the duties of the Attorney-General to draft proposed legislation, nor, indeed, to advise a committee of the Legislature except upon such bills as may be actually pending before it. In the present situation, however, I have prepared a draft of a bill for your consideration, not only as a matter of courtesy, but because I desire to render to your committee such assistance as is in my power in safeguarding the interests of the Commonwealth. Should the Legislature, or either branch of it, or your committee, by a formal inquiry in writing, seek my opinion and advice upon any ques-

tion presented by or relating to any legislation, it will then become my duty to reply thereto as fully as circumstances may require.

Very truly yours,

DANA MALONE, *Attorney-General*.

State Highway — Alteration of Location — Abandonment.

A portion of an existing State highway which, under a proposed plan for alteration of location under R. L., c. 47, §§ 7 and 8, does not fall within the limits of such highway as established by such alteration, may be abandoned.

JUNE 25, 1907.

A. B. FLETCHER, Esq., *Secretary, Massachusetts Highway Commission.*

DEAR SIR:—The Massachusetts Highway Commission requests my opinion as to whether a portion of the State highway in the town of Brimfield may be abandoned by the commission, in view of the proposed laying out and taking charge of a new State highway running substantially parallel to the portion proposed to be abandoned.

The statute in question is R. L., c. 47, §§ 7 and 8, which provide as follows:—

SECTION 7. Said commission may, with the concurrence of the mayor and aldermen of a city or the selectmen of a town, alter the location of a state highway in such city or town by filing a plan thereof and a certificate that said commission has laid out and taken charge of said state highway, as altered in accordance with said plan, in the office of the county commissioners for the county in which said highway is situated, and by filing a copy of the plan or location as altered in the office of the clerk of such city or town.

SECTION 8. Said commission may, with the concurrence of the mayor and aldermen of a city or the selectmen of a town, abandon any land or part thereof, or rights in land which have been taken or acquired by it in such city or town by executing, acknowledging and recording a deed thereof accompanied by a plan of survey which shall be recorded therewith. Said abandonment shall revest the title to the land or rights abandoned in the persons, their heirs and assigns, in whom it was vested at the time of the taking, and may be pleaded in reduction of damages in any suit therefor on account of such taking.

These sections were originally Acts of 1900, c. 475, §§ 1 and 2. It is obvious that the two sections must be read together, and together provide for the alteration of an existing location and the abandonment of that portion thereof which is not to be subjected to the easement in favor of the public in the new location. If this be so, the only question to determine is whether or not the proposed action by the commissioners will or may be an alteration of the location within the meaning of section 7.

If the proposed plan contemplates the laying out and taking charge of a wholly new piece of State highway, I think the existing one cannot lawfully be abandoned. But it seems to me that the plan can be properly carried out as an alteration of the existing highway. The proposed new highway will apparently run for a substantial distance along a route which, though entirely distinct from the present highway, will render its use superfluous.

I think these facts are sufficient to make the new location an alteration as defined by Knowlton, C.J., in *Bennett v. Wellesley*, 189 Mass. 308, at pp. 318, 319.

An opinion of my predecessor, dated Sept. 6, 1902, and referred to by your commission, was in answer to the question whether or not a State highway might be wholly abandoned by the commissioners and surrendered to a town to be under the sole control of the town, and has therefore no relation to the question of alteration now under discussion.

I am therefore of opinion that the portion of the location of the present State highway which will not fall within the limit established by the new plan may be abandoned by the Highway Commission, provided that the new portion be laid out and taken charge of as an alteration of the location of the existing highway, in accordance with the provisions of sections 7 and 8 of chapter 47.

Very truly yours,

DANA MALONE, *Attorney-General*.

Pauper — Settlement — Assessment of Taxes.

Under the provisions of R. L., c. 80, § 1, cl. 5, providing that "A person of the age of twenty-one years who resides in any place within this Commonwealth for five consecutive years and within that time pays all state, county, city or town taxes duly assessed on his poll or estate for any three years within that time shall thereby acquire a settlement in such place," it is necessary not only that the required taxes should be paid but also that the assessments thereof should be made within such period.

JULY 2, 1907.

J. F. LEWIS, M.D., *Superintendent, State Adult Poor.*

DEAR SIR: — You request my opinion as to whether Robert S. Chute, a pauper, has acquired a legal settlement in Lynn under the provisions of R. L., c. 80, § 1, cl. 5, which is as follows: —

A person of the age of twenty-one years who resides in any place within this commonwealth for five consecutive years and within that time pays all state, county, city or town taxes duly assessed on his poll or estate for any three years within that time shall thereby acquire a settlement in such place.

The facts of the case are these: A pauper, aged thirty-nine, was committed to the Foxborough State Hospital Nov. 2, 1905. He had resided in Lynn continuously since 1902, and had been assessed a poll tax for the years 1893, 1894 and 1897, which had been paid May 10, 1894, Feb. 19, 1895, and Aug. 15, 1898, respectively.

The question is, whether the statute requires that the same five-year period which embraces the three dates of payment must also embrace the three dates of assessment, even though the three assessments were made within a five-year period.

It is settled by the decisions that the pauper must have lived in a city or town during the whole of the three years for which the taxes were assessed. *Taunton v. Wareham*, 153 Mass. 192. The pauper in the present case having paid between Aug. 15, 1893, and Aug. 15, 1898, the taxes assessed to him for 1893, 1894 and 1897, has he complied with the express requirement of the statute that he shall have paid all "taxes duly assessed on his poll or estate for any three years within that time"? Can the three years, 1893, 1894 and 1897, be considered within the five-year period from Aug. 15, 1893, to Aug. 15, 1898? The taxation year is from May 1 to May 1. *Southborough v. Marlborough*, 24 Pick. 166. The taxation year in 1893 began on

May 1, and therefore that year is not wholly within the period beginning with Aug. 15, 1893. Under a strict construction, it cannot be held that the taxes assessed in the present case were for three years within a period of five years. It has long been settled that the five years' residence and the five years of taxation must be coincident. *Southborough v. Marlborough, supra*.

Prior to 1898 the Attorney-General gave an opinion that, under Pub. Sts., c. 83, § 1, cl. 5, if three taxes assessed for three years within a period of five years were paid, it was immaterial that payment was not made within a five-year period. (See 1 Op. Attys.-Gen., 519.) The law was amended by Acts of 1898, c. 425, § 1, so as to require that the three taxes assessed within the five-year period should also be paid within a period of five years. It seems fairly clear that it is the intention of the Legislature, by the act of 1898, to provide that the required number of taxes should be assessed and paid within one five-year period of residence.

I am therefore of opinion that the pauper in question did not acquire a legal settlement in Lynn under the provisions of the statute above quoted.

Very truly yours,

DANA MALONE, *Attorney-General*.

Automobiles — Registration by Dealer — Expiration of Registration.

The provision of St. 1903, c. 473, § 1, as amended by St. 1907, c. 580, § 1, that "the registration of every automobile or motor cycle shall expire upon the first day of January in each year," is applicable not only to automobiles or motor vehicles which are owned by single individuals, but also to similar vehicles when owned or controlled by dealers.

JULY 9, 1907.

AUSTIN B. FLETCHER, Esq., *Secretary, Massachusetts Highway Commission*.

DEAR SIR:—The Massachusetts Highway Commission requires my opinion upon a question arising under St. 1907, c. 580, which is entitled "An Act relative to automobiles and motor cycles." Your communication states that:—

In section 1 of this act, in the last sentence, it is stated "The registration of every automobile or motor cycle shall expire upon the first day of January in each year." Section 2 of the act relates

to the registration of motor vehicles owned or controlled by manufacturers or dealers. In this section it is not specifically stated that the registration of such machines shall expire annually, and the commission is in doubt whether or not it is intended by the law that the registration certificates shall so expire.

St. 1907, c. 580, § 1, amends St. 1903, c. 473, § 1, by adding at the end of the section the words, "The registration of every automobile or motor cycle shall expire upon the first day of January in each year." The section, before amendment, provided for the registration of automobiles and motor cycles, but contained no provision with regard to the expiration of the registration required; and section 2 of chapter 580 of St. 1907 amended section 2 of chapter 473 of St. 1903, by substituting the word "fifteen" for the word "ten," so that the amended section reads as follows:—

Every manufacturer of or dealer in automobiles or motor cycles may, instead of registering each automobile or motor cycle owned or controlled by him, make application upon a blank provided by said commission for a general distinguishing number or mark, and said commission may, if satisfied of the facts stated in said application, grant said application, and issue to the applicant a certificate of registration containing the name, place of residence and address of the applicant, and the general distinguishing number or mark assigned to him, and made in such form and containing such further provisions as said commission may determine; and all automobiles and motor cycles owned or controlled by such manufacturer or dealer shall, until sold or let for hire or loaned for a period of more than five successive days, be regarded as registered under such general distinguishing number or mark. The fee for every such certificate of registration shall be fifteen dollars.

The question submitted is not free from difficulty. It is to be observed that section 2, above quoted, does not contain any provision whatever for the expiration of the registration of automobiles or motor cycles owned or controlled by a manufacturer or dealer; and it might fairly be contended that such registration continued indefinitely, notwithstanding the provision already referred to which was added to section 1 of chapter 473 of St. 1903. Upon the whole, however, I am inclined to believe that the two sections must be read together, and that the registration referred to in section 2 is the registration established by section 1, which expires annually upon the first day of January in each year.

The provisions of section 2 are intended to provide an alternative for a dealer who owns or controls many automobiles or motor cycles, so that he may by a single registration "register each automobile or motor vehicle owned or controlled by him." There is nothing in the section to indicate that the Legislature intended to permit a dealer, by a single registration and the payment of a single fee of \$15, permanently to register all such automobiles or other motor vehicles which he might own or control in the course of his business.

I am therefore of the opinion that the commission should hold that the amendment of section 1 of chapter 580 of St. 1907, — "The registration of every automobile or motor cycle shall expire upon the first day of January in each year," — is applicable not only to automobiles or motor vehicles which are owned by private individuals, but also to similar vehicles when owned or controlled by dealers.

Very truly yours,

DANA MALONE, *Attorney-General*.

Member of Legislature — Eligibility for Other Office — Examiner of Private Bankers.

A member of the Legislature for the session of 1907 is ineligible for appointment to the position of examiner of persons, partnerships, associations or corporations engaged in private banking, created by St. 1907, c. 377, § 4.

JULY 18, 1907.

Hon. PIERRE JAY, *Bank Commissioner*.

DEAR SIR: — I have your letter of the 16th, in which you inquire in reference to the appointment of a member of the present Legislature as a clerk in your department, whose especial duty is to be to examine private bankers, under the supervision of your department, as required by chapter 377 of the Acts of 1907.

Section 21 of chapter 3 of the Revised Laws provides that: —

No member of the general court shall, during the term for which he is elected, be eligible to any office under the authority of the commonwealth created during such term, except an office to be filled by vote of the people.

Section 4 of chapter 377 of the Acts of 1907 reads as follows: —

The bank commissioner shall, at such times as he may deem expedient, examine, either personally or by a competent examiner whom he shall appoint, every such person, partnership, association or corporation, and thoroughly inspect and examine its affairs to ascertain its financial condition and whether it has complied with all provisions of law applicable thereto. The proper charges incurred by reason of any such examination shall be paid by the person, partnership, association or corporation concerned.

The law contemplates an examination either by yourself personally or by a competent examiner whom you shall appoint. Your right to so appoint was given you by said chapter 377 of the Acts of 1907. The Legislature intended by section 21, above quoted, to prohibit the appointment of a member of the General Court to any office which was created during the term for which he was elected. It seems to me that section 4, above quoted, creates an office which cannot be filled by such member. I note you say in your letter that he would perform other duties, of a clerical nature, in your department. You would, however, be obliged to appoint him an examiner if he should examine the private bankers that you name, for otherwise he would have no authority in the premises; and I must therefore reply that such an appointment would be contrary to law.

A similar inquiry was submitted to the late Attorney-General Knowlton in reference to an appointment to the office of insurance examiner. The reply was in the negative, and I quote from the opinion the following:—

The obvious purpose of this statute is to remove from a member of the Legislature any temptation to be influenced in his vote by reason of the possibility that he may be a candidate for the places created by the Legislature of which he is a member. (1 Op. Atty.-Gen., 347.)

In this view of the law I concur, and am of the opinion that it is applicable to this case.

Very truly yours,

DANA MALONE, *Attorney-General*.

Veteran in the Service of the Commonwealth — Retirement.

A veteran of the civil war employed by the Metropolitan Park Commission as a police officer is "in the service of the Commonwealth" within the meaning of St. 1907, c. 458, which provides in part that "a veteran of the civil war in the service of the Commonwealth, if incapacitated for active duty, shall be retired from active service with the consent of the governor."

JULY 31, 1907.

GEORGE LYMAN ROGERS, Esq., *Secretary pro tem., Metropolitan Park Commission.*

DEAR SIR:—In reply to your communication of July 24, inquiring whether or not a veteran of the civil war employed by the Metropolitan Park Commission as a police officer is "in the service of the Commonwealth," within the meaning of St. 1907, c. 458, which provides in part that "a veteran of the civil war in the service of the Commonwealth, if incapacitated for active duty, shall be retired from active service, with the consent of the governor, at one half the rate of compensation paid to him when in active service, to be paid out of the treasury of the Commonwealth," I have to advise you that in my opinion a veteran so employed is engaged in the service of the Commonwealth, within the meaning of the statute above quoted, and may be retired as therein provided. If the veteran in question is so retired, however, there seems to be no existing legislation which would authorize the assessment of the pension to which he would become entitled upon the metropolitan parks district, and the expense of such pension would therefore have to be borne by the Commonwealth, requiring a special appropriation therefor by the Legislature.

Very truly yours,

DANA MALONE, *Attorney-General.*

Corporation — Agreement of Association — Parties — Husband and Wife.

A husband and wife may legally enter into the contract represented by an agreement of association for the purpose of forming a corporation under the general laws.

AUG. 8, 1907.

HON. WILLIAM D. TREFRY, *Commissioner of Corporations.*

DEAR SIR:—In reply to your communication dated Aug. 1, 1907, I advise you that in my opinion a husband and wife may

legally enter into the contract represented by an agreement of association for the formation of a corporation.

Under the laws of this Commonwealth a married woman may undoubtedly enter into the contract represented by an agreement of association for the formation of a corporation. R. L., c. 153, § 2. She may enter into such a contract even if her husband is also a party thereto, unless by so doing she is making a contract with him. If the contract is not between the husband and wife, the fact that they are both parties to it is not objectionable. *Major v. Holmes*, 124 Mass. 108.

In my opinion a married woman is not contracting with her husband when she and he enter into the contract represented by an agreement of association for the formation of a corporation. The agreement of association constitutes an offer which must be accepted by the corporation before it can become binding. The formation of the corporation constitutes an acceptance of the offer made by the persons signing the agreement of association. The parties to the contract thereby formed are the corporation on the one hand and the subscribers on the other.

That this is the true nature and effect of the agreement of association appears from the decisions of the court in the cases of *Athol Music Hall Co. v. Carey*, 116 Mass. 471, and *Hudson Real Estate Co. v. Tower*, 156 Mass. 82. In the former case it was said (p. 473) that:—

The promise of each subscriber “to and with each other,” is not a contract capable of being enforced, or intended to operate literally as a contract to be enforced between each subscriber and each other who may have signed previously, or who should sign afterwards, nor between each subscriber and all the others collectively as individuals. The undertaking is inchoate and incomplete as a contract until the contemplated organization is effected, or the mutual agent constituted to represent the association of individual rights in accepting and acting upon the propositions offered by the several subscriptions. When thus accepted, the promise may be construed to have legal effect according to its purpose and intent, and the practical necessity of the case; to wit, as a contract with the common representative of the several associates.

In advising you as above I am not unmindful of the opinion of a former Attorney-General, in which he said that he saw no sufficient reason for changing what he understood —

to have been the uniform practice of your department, to decline to accept a husband and wife toward making up the necessary num-

ber of associates, on the ground that the agreement is a contract between each subscriber and all the others, and that a husband and wife cannot lawfully make such a contract with each other.

With deference to the opinion of my predecessor, I cannot, in view of the decisions cited, agree with his conclusion upon the question which you submit.

Very truly yours,

DANA MALONE, *Attorney-General*.

State Board of Charity — Minor Child — Religious Faith — Adoption — Discharge.

St. 1905, c. 464, § 1, which in part provides that "No minor child in the care, or under the supervision of any state board of charity, or of any state commission, or state board of trustees, shall be denied the free exercise of the religion of his parents . . .," does not affect the authority of the State Board of Charity in its discretion to discharge a minor child committed to its custody into the custody of adopted parents, if it appears to such Board that the objects of the commitment have been accomplished and that the interests of the child will be best served by such discharge, notwithstanding that the religious belief of such adopted parents differs from that of the natural parents of such child.

Nov. 13, 1907.

JOHN D. WELLS, Esq., *Clerk, State Board of Charity*.

DEAR SIR:— The State Board of Charity informs me that it has received from Jesse M. Purinton and Clara F. Purinton "a petition for the discharge of one Kate Jamrock to their care;" and I am requested to give my opinion as to the bearing of the provisions of chapter 464 of the Acts of 1905 on the powers of the Board with respect to the granting of the petition in question. I am further asked whether there is any other law affecting its action and power of discharge in said case.

Section 1 of chapter 464 of the Acts of 1905 reads as follows:—

No parents, or surviving parent, of any minor child in the care or under the supervision of the state board of charity, or of any state commission, or of any state board of trustees, shall be denied the right of any child of theirs to the free exercise of the religious belief of his parents and the liberty of worshipping God according to the religion of his parents, or surviving parent, or of the religion which his parents professed, if they are both deceased; and no minor child in the care, or under the supervision of any state board of charity,

or of any state commission, or state board of trustees, shall be denied the free exercise of the religion of his parents, or of his surviving parent, or of his parents if they are both deceased, nor the liberty of worshipping God according to the religion of his parents, whether living or deceased.

I regard the question as to this statute as settled by the case of *Purinton et al. v. Jamrock*, decided by our Supreme Court April 2, 1907, in which the court say:—

It is undoubtedly the general policy of the Commonwealth to secure to those of its wards who are children of tender years the right to be brought up, where this is reasonably practicable, in the religion of their parents. St. 1905, c. 464, § 1. *But it is the right of the children that is protected by this statute.* The rights of the parents are still regulated by the same principles as before. . . . The first and paramount duty is to consult the welfare of the child. The wishes of the parent as to the religious education and surroundings of the child are entitled to weight; if there is nothing to put in the balance against them, ordinarily they will be decisive. If, however, those wishes cannot be carried into effect without sacrificing what the court sees to be for the welfare of the child, they must so far be disregarded. The court will not itself prefer one church to another, but will act without bias for the welfare of the child under the circumstances of each case. . . . The parents' religion is *prima facie* the infant's religion, and the infant should be brought up in that religion and protected against disturbing influences from persons of a different religious faith; but the infant's welfare must be first of all regarded, and its requirements must be treated as paramount.

Further, the court say:—

This child has been for over four years in the family of the petitioners; they were found to be suitable persons to have her custody and education; a strong affection had grown up between her and them; her interest will be greatly promoted by the adoption.

In advising you in this matter, I am therefore obliged to defer to the opinion of our highest court, and to say that the general policy of the law as to the rights of parents has not been changed by said statute, but the statute evidently intended to provide that the child should not be denied the free exercise of the religion of her parents when she is of sufficient understanding to choose for herself.

As to the final paragraph of said opinion, which reads,—

We have treated the questions arising upon these exceptions as if the effect of this decree of adoption would be to entitle the petitioners at once to the custody and control of the child. But in this case she is still in the custody of the State Board of Charity, and apparently will so remain until she shall come of age, or that Board shall consider the object of the commitment accomplished, —

it is entirely within the discretion of the Board to keep the child in its custody until the child shall become of age, or the Board shall consider the object of the commitment accomplished. If the Board should in their discretion decide that the object of the commitment has been accomplished, and vote to discharge the child, the adopted parents, being the petitioners, would acquire the custody and incur the responsibility of the parents in respect to such child.

The court seems to regard the whole matter as entirely within the discretion of the Board, taking into consideration the welfare of the child; and I know of no other law affecting the Board's power to discharge in this case.

Very truly yours,

DANA MALONE, *Attorney-General*.

Manufacturing Establishment — Employment of Minors or Women — Textile Goods — Knitting.

A manufacturing establishment in which goods are made by the process of knitting is an establishment "engaged in the manufacture of textile goods," within the meaning of R. L., c. 106, § 27, as amended by St. 1907, c. 267, providing that "No person and no agent or officer of a person or corporation engaged in the manufacture of textile goods shall employ any minor under eighteen years of age or any woman, before six o'clock in the morning or after six o'clock in the evening."

Nov. 14, 1907.

J. H. WHITNEY, Esq., *Chief, Massachusetts District Police*.

DEAR SIR: — You require my opinion as to whether or not a manufacturing establishment in which goods are made by the process of knitting is to be considered as a textile factory, as referred to in chapter 267 of the Acts of 1907.

You do not set forth the nature of the "goods" manufactured, but I assume that such goods in the raw material are textile materials, such as wool, flax, silk, cotton or hemp, and that my opinion is desired as to whether or not the process by which such

materials are converted into manufactured goods serves to distinguish such goods when completed from textile fabrics.

St. 1907, c. 267, amends R. L., c. 106, § 27, so as to read as follows:—

No person, and no agent or officer of a person or corporation engaged in the manufacture of textile goods, shall employ any minor under eighteen years of age, or any woman, before six o'clock in the morning or after six o'clock in the evening. Whoever violates the provisions of this section shall be punished by a fine of not less than twenty nor more than fifty dollars for each offence.

The word "textile" as an adjective is defined to be "of or pertaining to weaving. Woven, or capable of being woven; formed by weaving: as, *textile* fabrics; *textile* materials, such as wool, flax, silk, cotton." The term "textile fabrics," which may be regarded as synonymous with the words "textile goods," as used in the statute above quoted, has been defined to include those fabrics woven, as carpets, or capable of being woven or formed by weaving, and the noun "textile" to be a fabric which is woven or may be woven,—a fabric made by weaving. See *Wood v. Allen*, 111 La. 97, 100. Such appears to be the generally accepted definition.

I am of opinion that the process of knitting is to be considered as a form of weaving, if the material used is a textile material. So the word is defined as meaning, "To weave by looping or knotting a continuous thread; form by working up yarn or thread with knitting-needles into a fabric held together by a series of knots or inter-loopings; as to *knit* stockings. Hence—To form as if by knotting or weaving; put together: . . ." Thus it has been held under the Constitution of Louisiana, which exempted capital, machinery and other property employed in the manufacture of textile fabrics, that a manufactory of fish lines, ropes and other hempen articles was an establishment employed in the manufacture of textile fabrics, and the court said: "Such articles as fish lines and ropes can only be made by being woven from raw materials, and are themselves textile fabrics." See *Cohn v. Parker*, 41 La Annual, 894; *New Orleans v. Arthurs*, 36 La Annual, 98.

Although the statute is a penal one, and must be strictly construed, it is nevertheless my opinion that, since knitting may fairly be considered as a form of weaving, and since the product if made from textile materials may be a textile fabric, and so

“textile goods.” an establishment where the process of knitting is employed for the manufacture of such goods must be held to come within the terms of the statute.

Very truly yours,

DANA MALONE, *Attorney-General*.

Veteran in the Service of the Commonwealth — Retirement — Compensation.

Under St. 1907, c. 458, § 1, which provides that “a veteran of the civil war in the service of the Commonwealth, if incapacitated for active duty, shall be retired from active service . . . at one-half the rate of compensation paid to him when in active service . . .” a veteran so retired is not entitled to receive compensation based upon the estimated cash value of benefits in the nature of living expenses, occupancy of a dwelling house free from rent, and like privileges, in addition to the fixed salary paid to him from the treasury of the Commonwealth.

Nov. 15, 1907.

Brig. Gen. JAMES P. PARKER, *Adjutant General*.

DEAR SIR: — I am requested by you to define the meaning of Acts of 1907, c. 458, § 1, which provides that, —

A veteran of the civil war in the service of the Commonwealth, if incapacitated for active duty, shall be retired from active service, with the consent of the governor, at one half the rate of compensation paid to him when in active service, to be paid out of the treasury of the Commonwealth, —

as to whether or not a veteran eligible under the provisions of this statute for retirement, who has been receiving benefits in the nature of living expenses, occupancy of a dwelling house free from rent, and like privileges, in addition to the salary paid to him from the treasury of the Commonwealth, is entitled to be retired at one-half such salary plus one-half the cash value of whatever benefit he may have been receiving at the time of his application.

R. L., c. 6, § 58, provides that, —

Salaries payable from the treasury shall, unless otherwise provided, be paid on the first of each month and shall be in full for all services rendered to the Commonwealth by the person to whom they are paid, —

and this section, in itself, in my opinion, is decisive of the question now under consideration.

House rent, living expenses and like advantages which certain employees of the Commonwealth may enjoy are given to such employees not as salary which they have a right to demand, but as privileges which the nature or place of their duties requires the Commonwealth to grant to them to secure the highest degree of efficiency. Such privileges may at any time be discontinued, and the employee required to provide both his own living expenses and his own house, should such a course be possible without injuring the efficiency of the employee or of any other employee who may occupy the same position.

It is, moreover, most unlikely that the Legislature intended to reduce such items as living expenses, house rent and the like to a monetary value, and to include such value in the term "compensation," without providing some means other than the claims of the employee himself for determining the exact cash equivalent of such privileges. It must follow, I think, that the word "compensation" is to be limited to salaries, the exact amount of which is determined by law, and may always be speedily ascertained by the Governor and Council, and does not extend to benefits or privileges received by an employee, which may not only vary in their character, but in their value, as the price of necessities of living rises or falls.

Very truly yours,

DANA MALONE, *Attorney-General*.

Civil Service — Exemption — Clerk in the Office of State Forester — Governor and Council — Approval of Employment.

Under St. 1904, c. 409, § 4, which authorizes the State Forester to hire such assistants as he may need in the performance of his duties, and to fix their salaries, "subject to the approval of the Governor and Council," such approval is not equivalent to confirmation by the Executive Council within the meaning of R. L., c. 19, § 9, which exempts from the operation of the civil service law and rules "officers . . . whose appointment is subject to confirmation by the Executive Council."

Nov. 15, 1907.

Hon. CHARLES WARREN, *Chairman, Civil Service Commission.*

DEAR SIR:—Your letter of October 30 seeks my opinion upon the question whether or not the position of clerk in the office of the State Forester is within the classified civil service.

St. 1904, c. 409, § 4, which relates to the State Forester, so far as it is applicable to the present question, is as follows: —

The state forester is hereby empowered, subject to the approval of the governor and council, to hire such assistants as he may need in the performance of his duties, and to fix their salaries.

Your communication then proceeds as follows: —

The question is, whether the language of section 4 of chapter 409 of the Acts of 1904, "subject to the approval of governor and council," has the same legal meaning as the language in section 9 of chapter 19 of the Revised Laws, exempting from civil service classification officers, "whose appointment is subject to confirmation by the executive council."

Persons exempt from the classified civil service are stated by R. L., c. 19, § 9, to be in part, "judicial officers and officers elected by the people or by a city council, or whose appointment is subject to confirmation by the executive council or city council of any city." The expression used in the above statute, "subject to confirmation by the executive council," is inartificial and inexact, since there appears to be no case under the statutes of the Commonwealth where an appointment is confirmed by the Council. I am, however, aware that the word "confirmation" is now very generally used in connection with the function of the Council, which, under the Constitution and under numerous statutes, is to advise with the Executive upon the matter of appointments, and to consent to such appointments when made. The Constitution of Massachusetts, in referring to the powers of the Executive Council, speaks as follows (part 2, c. 2, § 1, art. 9): "All judicial officers, the solicitor-general and coroners shall be nominated and appointed by the governor by and with the advice and consent of the council; and every such nomination shall be made by the governor, and made at least seven days prior to such appointment." It is obviously to this important power and duty of the Council that R. L., c. 19, § 9, has reference.

I am of opinion that the approval of the employment and compensation of clerks in the several departments of the Commonwealth is not an exercise of this function, even as designated in R. L., c. 19, § 9, and is rather an approval by the Council, acting with the Executive, of a scheme for proposed appointments and expenditures, than a confirmation of the particular

appointment to be made. In the present instance the approval of the Governor and Council is an approval of such plans as are contemplated by the State Forester and such expenditures as may result therefrom, and not a confirmation of the particular persons to be appointed to clerkships by such officer.

Assuming that no other valid ground for objection exists, therefore, I must advise you that in my opinion a clerk in the office of the State Forester is not exempt from the civil service law or rules, and must be held to fall within the classified civil service.

Very truly yours,

DANA MALONE, *Attorney-General*.

Public Records — Returns of Companies engaged in the Transmission of Intelligence by Electricity.

By St. 1906, c. 433, the Massachusetts Highway Commission is required to receive and file the annual returns made by companies engaged in the transmission of intelligence by electricity within the Commonwealth, and such returns are therefore public records, under R. L., c. 35, § 6, which defines public records to be "any written or printed book or paper . . . which any officer or employee of the Commonwealth . . . has received or is required to receive for filing."

OCT. 25, 1907.

A. B. FLETCHER, Esq., *Secretary, Massachusetts Highway Commission*.

DEAR SIR:—The Massachusetts Highway Commission asks my opinion as to whether or not the annual returns made by companies engaged in the transmission of intelligence by electricity within the Commonwealth, which are filed with the commission in accordance with the provisions of St. 1906, c. 433, § 8, are to be considered as public records, to the extent that they are to be open to the inspection of the public.

St. 1906, c. 433, § 8, is as follows:—

Every company engaged in the business of the transmission of intelligence by electricity within the Commonwealth shall annually, on or before the first day of October in each year after the year nineteen hundred and six, submit to said commission a report of its doings for the year ending on such date or dates preceding as said commission may designate, which report shall be in such form and detail as the commission may from time to time prescribe, and shall be called the "Annual Return". Such return shall be sworn to by the treasurer and by the chief accounting officer of such company,

and shall include a statement of its business, receipts and expenditures within the Commonwealth during the year, its dividends paid out and declared, the amount of its authorized capital and its indebtedness and financial condition, on such date or dates as said commission may designate.

Section 9 provides for a penalty for failure to make the annual return required by the preceding section.

R. L., c. 35, § 5, provides that: —

In construing the provisions of this chapter and other statutes, the words "public records" shall, unless a contrary intention clearly appears, mean any written or printed book or paper . . . which any officer or employee of the commonwealth or of a county, city or town has received or is required to receive for filing.

Section 17 of the same chapter provides that: —

Every person who has the custody of any public records shall, at reasonable times, permit them to be inspected and examined by any person, under his supervision, and shall furnish copies thereof on the payment of a reasonable fee.

The provisions of R. L., c. 35, § 5, above quoted, were considered in an opinion of the Attorney-General, dated Sept. 22, 1902, and addressed to the Insurance Commissioner, which dealt with the annual returns required to be filed by insurance companies under the provisions of R. L., c. 118, § 96. It is there stated that: —

This legislative definition cannot be held to include within its intention every paper which an officer of the Commonwealth receives and files. It must be limited to such as he is required by law to so receive for filing. Any other construction must be prejudicial to the rights and interests of the Commonwealth or its officers, and, indeed, of parties or persons making communications with such officers.

The original act for which the provision of the Revised Laws is a substitute, St. 1897, c. 439, § 1, called a public record any paper which a public officer is required by law to receive, or in pursuance of any such requirement has received for filing. The compilers of the Revised Laws have not preserved the distinction between a paper which an officer is required by law to receive and one which he receives for his own convenience. The existing qualification for the purpose of definition makes a test of the requirement to receive for filing, and any paper so received falls within the definition of a public record. (2 Op. Attys.-Gen., 381.)

I can see no distinction, for the purposes of this inquiry, between the returns filed with the Insurance Commissioner by insurance companies and those filed with the Massachusetts Highway Commission by telephone companies; and, since it appears that the Massachusetts Highway Commission is required to receive and file the returns provided for in section 8, such returns must, in my opinion, be deemed to be public records, and as such open to the inspection of the public.

Very truly yours,

DANA MALONE, *Attorney-General*.

Trust Company — Branch Office — City or Town.

St. 1902, c. 355, § 2, providing that the Board of Commissioners of Savings Banks might authorize any trust company to maintain "a branch office in the city or town in which its main office is located," does not permit the authorization of more than one branch office in such city or town.

Nov. 29, 1907.

Hon. PIERRE JAY, *Bank Commissioner*.

DEAR SIR: — You ask my opinion as to the right of trust companies to maintain more than one branch office under chapter 355 of the Acts of 1902. This act reads as follows: —

SECTION 1. No trust company shall hereafter maintain a branch office except as hereinafter provided.

SECTION 2. The board of commissioners of savings banks may authorize in writing any trust company to maintain a branch office in the city or town in which its main office is located, for the sole purpose of receiving deposits, paying checks and transacting a safe deposit business.

SECTION 3. This act shall take effect upon its passage.

I find that the matter was suggested to the Legislature by the Savings Bank Commissioners in their report of Jan. 13, 1902, in which occurs the following: —

Another matter on which legislation may be required arises in the fact that within a few days one trust company has established, at some distance from its main offices, an office for the receipt of deposits and payment of checks, — a course which does not meet the approval of this Board, and for which the Board claims there is no legal authority, and which is contrary to the policy of the Commonwealth as evidenced in its banking laws.

I am further informed by you that the matter of authorizing more than one branch office was called to the attention of the Legislature of 1907, but no action was taken thereon.

From the facts so presented to me, and from a consideration of the statute in question, I am of opinion that the Legislature contemplated the authorization of a single branch office only, and that the act does not authorize a trust company to maintain more than one branch office. I understand that the Worcester Trust Company now has three branch offices, which have been authorized by the Savings Bank Commissioners. Under these circumstances, it seems to me proper that you should call the situation to the attention of the Legislature in your annual report, although, as I have stated, it is my opinion that it was not the intention of the Legislature to permit the authorization of more than a single branch office.

Very truly yours,

DANA MALONE, *Attorney-General*.

Insane Person — Property in Possession of Officers of Institutions for Insane — Disposition — Cities and Towns — Commonwealth — Guardian — Public Administrator.

The receipt of money belonging to public charges supported in institutions for the insane or in private families under the supervision of the State Board of Insanity, by such Board or by the officers of such institutions, for safe keeping because such public charges are not competent to care for it, is not authorized by any provision of law. Money so received may not legally be deposited in a bank or trust company, with other funds, to the account of any State Board or institution for the insane.

Such money may not be applied by the Commonwealth to the payment of the expense of supporting any such public charge, during his lifetime, without the appointment of a guardian; it may, however, be received in payment for such support, upon an order by the insane person entitled thereto, given after his discharge from custody as unrecovered, although even in this case it is advisable that a guardian should be appointed.

Money left in the possession of the treasurers of the several State institutions for the insane by patients who were supported prior to Jan. 1, 1904, as town charges, and who died before that date, should be paid to the overseers of the poor of the places to which such patients were chargeable, if claimed by them on account of charges for the support of such patients; or, if no such claim is made, should be paid to the public administrator of the county in

which the institution is situated. Money so retained which belonged to deceased patients who were supported as State charges may be covered into the treasury of the Commonwealth.

DEC. 5, 1907.

OWEN COPP, M.D., *Secretary, State Board of Insanity.*

DEAR SIR:— You request my opinion with reference to the care and disposition of money belonging to public charges supported in institutions or in the care of private families under the supervision of the State Board of Insanity, and passing into the possession of the officers of such institutions or of such State Board for safe keeping, because such public charges are not competent to care for it. Your specific questions I will answer in order:—

1. May such money be legally deposited in a bank or trust company on the same account as other funds of the institution?

No. There is no provision of law authorizing the officers of such institution or Board to receive such money. The practice is apparently one adopted wholly for the benefit of the patient, without legal authority; and funds should consequently be held, if at all, in trust for the beneficiary, and not mingled with other funds.

2. May it be legally deposited in a bank or trust company on a separate account?

If there is no guardian, and the person in charge of the money is of the opinion that the bank or trust company is a safe depository, it may be deposited, but only as an act of kindness to the patient; there is no legal authority therefor.

3. May it be claimed by the State in payment for support of such public charge, without the appointment of a guardian? If so, by what method?

No; not prior to the death of the insane person. Although R. L., c. 87, §§ 18, 19, provide for the payment of the charges for the support of insane persons by such persons if of sufficient ability, it would not be proper for the Commonwealth or for any institution to appropriate the money of an insane person for this purpose. A guardian should be appointed, to protect the interest of the patient.

4. May it be taken by the State in payment of his support on his order, given after his discharge as unrecovered from custody as an insane person?

Yes; after a patient is discharged from the hospital he may be treated and dealt with as an ordinary person of sound mind,

irrespective of whether or not he has been discharged as “un-recovered.” It would seem, however, that money should not be received by the State, even on a discharged person’s order, without the appointment of a guardian, if the superintendent of the institution or other person receiving the money is of opinion that the discharged person is unable to look after his affairs with reasonable prudence.

5. The treasurers of the State insane hospitals and asylums have in their possession money left by patients who were supported prior to Jan. 1, 1904, as town charges, and who died previous to that date. . . . You ask what disposition should be made of this money. Must it be returned to the towns or can it be covered into the State treasury?

By the provisions of R. L., c. 87, § 37, the overseers of the poor of the place to which the deceased was actually chargeable are entitled to take possession of all his real and personal property. Consequently, such sums should be paid to the overseers of the poor of the places to which the patients were respectively chargeable, if the said overseers desire to be reimbursed for the expenses incurred for the pauper. If there are no such charges for expenses as aforesaid, and if the person in charge of the institution, or the Board, has no knowledge of any husband, widow or heir of the deceased who should be notified, the money, if less than twenty dollars in all, should be delivered to a public administrator for the county in which the institution is. See R. L., c. 138, § 18, and 1 Op. Attys.-Gen., 536. If the amount exceeds twenty dollars, and the overseers of the poor of the city or town make no claim upon it, the public administrator of the county in which the institution is situated should be notified of the facts. See R. L., c. 138, § 2. If the public administrator neglects or declines to act, the district attorney of the district in which the institution is situated should be notified. See R. L., c. 138, § 17.

6. The treasurers also have \$772.47 which belonged to deceased patients who were always supported as State charges. Is it legal for this Board to receive that money, under the provisions of section 9, chapter 87, and section 37, chapter 81, of the Revised Laws, and how shall it proceed to do so?

Yes. Section 9 of chapter 87 of the Revised Laws provides, in part: —

The board shall have the same powers relative to the state poor who are inmates of the institutions under its supervision and to

their property as are vested in towns and overseers of the poor relative to paupers supported and relieved by towns.

Section 37 of chapter 81 provides that:—

Upon the death of a pauper who at his decease is actually chargeable to a place within this commonwealth, the overseers of the poor thereof may take possession of all his real and personal property.

These provisions obviously give the State Board of Insanity power to take the property of such deceased patients as have been supported as State charges, for the purpose of reimbursing the Commonwealth for the sums expended for their support. The money so obtained should be covered into the treasury of the Commonwealth.

1. The treasurers of the several institutions mentioned also have savings bank books which belonged to patients now deceased, who were supported during commitment as State charges, and these deposits have been unclaimed for more than five years. Can the State recover from these deposits the charges for the support of these patients: or, if these unclaimed deposits should be paid to the State Treasurer, under the provisions of section 55, chapter 113 of the Revised Laws, is there any method by which the hospitals can be reimbursed for the support of said patients?

The Board has the same right to receive the money on deposit in a savings bank and apply the same to the indebtedness of the patient to the Commonwealth for his support as it has to take and apply the money on hand with the treasurers of the institutions under the provisions quoted in the preceding answer. R. L., c. 113, § 55, does not apply to any deposits made in savings banks other than those made by authority of the probate court, court of insolvency or other court.

Very truly yours,

DANA MALONE, *Attorney-General*.

Public Records — Letters and Reports in Custody of State Board of Health.

Under the provisions of R. L., c. 35, § 5, that "The words 'public records' shall . . . mean any written or printed book or paper . . . in or on which any entry has been made or is required to be made by law, or which any officer or employee of the Commonwealth . . . has received or is required to receive for filing," reports and letters of

complaint which are the result of investigation made by the State Board of Health under its general authority to make sanitary investigation and inquiry, which are in the custody of the State Board of Health, are not public records, and therefore are not open to public inspection.

DEC. 9, 1907.

CHARLES HARRINGTON, M.D., *Secretary, State Board of Health.*

DEAR SIR:—I am asked by the State Board of Health whether certain reports and letters of complaint are public records, within the meaning of sections 5 and 17 of chapter 35 of the Revised Laws, which provide as follows:—

SECTION 5. In construing the provisions of this chapter and other statutes, the words “public records” shall, unless a contrary intention clearly appears, mean any written or printed book or paper, any map or plan of the Commonwealth or of any county, city or town which is the property thereof and in or on which any entry has been made or is required to be made by law, or which any officer or employee of the Commonwealth or of a county, city or town has received or is required to receive for filing, and any book, paper, record or copy mentioned in the six following sections. The word “record” shall, in this chapter, mean any written or printed book, paper, map or plan.

SECTION 17. Every person who has the custody of any public records shall, at reasonable times, permit them to be inspected and examined by any person, under his supervision, and shall furnish copies thereof on the payment of a reasonable fee. In cities and towns such inspection and furnishing of copies may be regulated by ordinance or by-law.

You say that the Board, under its general authority to make sanitary investigations and inquiries, began on March 1, 1905, a systematic examination of premises where milk is produced for public sale, employing a skilled veterinarian, who up to the present time has examined more than 8,300 dairies; that for convenience and the sake of uniformity the conditions observed at each place are reported to the Board on blank forms, and in case the conditions noted are incompatible with the production of a sanitary milk supply, the secretary of the Board calls the attention of the proprietor thereto, and makes suggestions with the request that they be adopted. You say that the publication of a list of the farmers whose premises have been found to merit criticism would not be for the public good, but that an injustice would be done to those farmers who have adopted

the suggestions offered and have continued to keep their cows and premises in proper sanitary condition.

These reports and letters of complaint about which you speak are not incorporated into and are not a necessary part of the record which you are required by law to keep. If they were, it would be your duty, upon request, to furnish them for inspection and examination, and to furnish copies of the same. Such being the case, and such papers not forming a part of the record of the work done in your office, and not being of such a character that you are required by law to receive them for filing, but being obtained and preserved by you for your own convenience in the proper administration of your office, you are not obliged to exhibit them to any person who may ask to see them.

Similar opinions have been rendered to various departments by my predecessors, and I see no reason for departing from the rule already laid down by them.

Very truly yours,

DANA MALONE, *Attorney-General*.

Pauper Law — Contagious Diseases — Quarantine — Temporary Aid to Unsettled Paupers — Cities and Towns — Board of Health — Overseers of the Poor.

If the family of an unsettled person suffering from contagious disease dangerous to the public health, but not quarantined, is aided for the reason that such family are unable to maintain themselves, and are, therefore, a charge to the city or town where they are domiciled, such aid should be rendered by the overseers of the poor under the provisions of R. L., c. 81, § 21, the temporary aid law, so called, and subject to the restrictions therein contained.

If the board of health of such city or town expends money for the support of the family of a person infected with a contagious disease, and therefore quarantined with his family, such expense is incurred for the preservation of the public health, and cannot be recovered either from the city or town where such persons are settled, or from the Commonwealth if such persons have no settlement.

In neither of the above cases does aid so rendered pauperize the persons aided.

DEC. 17, 1907.

JOSHUA F. LEWIS, M.D., *Superintendent of State Adult Poor*.

DEAR SIR:— You seek my opinion upon certain facts which are stated as follows:—

A laborer, thirty years old, is suffering from tuberculosis. He has been earning \$9 a week, and has no money saved. His attending physician and the local board of health are notified.

He has a wife and four children without means of support. Neither his wife nor his children are sick.

Upon these facts you submit the following specific questions: —

Under the statutes, should the board of health provide for the sick person only, and the overseers of the poor provide for the other members of the family who are not sick?

If the overseers of the poor so provide, is the aid rendered by them to the persons not sick limited as to amount by the terms of the temporary aid law, if the persons so aided have no legal settlement, and reimbursement is asked from the Commonwealth?

Does the aid so rendered by the overseers of the poor pauperize the family?

Should the board of health provide not only for the sick person, but also for the other members of the family who are not sick?

Is the aid so furnished by the board of health to the persons not sick limited as to amount by the terms of the temporary aid law if the persons so aided have no legal settlement, and reimbursement is asked from the Commonwealth, or is such aid controlled only by the words "suitable" as to character and "reasonable" as to expense?

The statutes which are material in the premises are St. 1907, c. 386, amending St. 1902, c. 213, § 1, and the temporary aid statute, so called, R. L., c. 81, § 21.

St. 1902, c. 213, § 1, as amended, reads as follows: —

Reasonable expenses incurred by the board of health of a city or town or by the Commonwealth in making the provision required by law for persons infected with smallpox or other disease dangerous to the public health shall be paid by such person or his parents if he or they be able to pay, otherwise by the city or town in which he has a legal settlement, upon the approval of the bill by the board of health of such city or town or by the state board of charity; and such settlements shall be determined by the overseers of the poor, and by the state board of charity in cases cared for by the Commonwealth. If the person has no settlement, such expense shall be paid by the Commonwealth, upon the approval of bills therefor by the state board of charity.

Section 2 as amended provides: —

No person for whose care and maintenance a city or town or the Commonwealth has incurred expense in consequence of smallpox,

scarlet fever, diphtheria, tuberculosis, dog bite requiring anti-rabic treatment, or other disease dangerous to the public health shall be deemed to be a pauper by reason of such expenditure.

R. L. c. 81, § 21, so far as it is material to the present question, provides: —

A city or town may furnish aid to poor persons found therein, having no lawful settlements within the Commonwealth, if the overseers of the poor consider it for the public interest; but, except in cases under the provisions of section fourteen of chapter eighty-five, not for a greater amount than two dollars a week for each family during the months of May to September, inclusive, or three dollars a week during the other months; and the overseers shall in every case give immediate notice in writing to the state board of charity, which shall examine the case and if it directs a discontinuance of such aid, shall remove such persons to the state hospital or to any state or place where they belong, if their necessities or the public interest requires it, and the superintendent of said hospital shall receive the persons removed thereto as if they were sent there in accordance with the provisions of section seven of chapter eighty-five.

This statute was amended by St. 1903, c. 355, but such amendment does not affect the present question.

The first question raised by the inquiries above quoted is whether or not the board of health of a city or town, if aid is furnished to persons other than the person infected with small-pox or other disease dangerous to the public health, may charge such expenses to or collect them from the Commonwealth in cases of unsettled persons.

I am of opinion that under the provisions of St. 1907, c. 386, § 1, the board of health of a city or town is not authorized to charge to the Commonwealth any expenditures made to the family of a person infected with a contagious disease, such aid being necessary only when the family of the person affected is isolated or quarantined. This appears to be the conclusion reached by the court in the case of *Haverhill v. Marlborough*, 187 Mass. 150, which was a suit brought by the city of Haverhill to recover the expenses incurred by such city in consequence of the illness from smallpox of two persons whose settlement was in Marlborough. The case was tried without a jury, upon the pleadings and an agreed statement of fact, in the lower court, which disallowed certain items charged by the city of Haverhill against the city

of Marlborough. After passing upon certain of the claims which were allowed in the court below and sustaining the decision there rendered, the court says (p. 155) : —

The other classes of expenses were for services of policemen stationed to enforce the quarantine of the house, *and for supplies for other persons not ill, furnished because they also were quarantined in the same building.* All these expenses were disallowed by the lower court, and we think rightly. They were not incurred for the persons infected with smallpox, but for the preservation of the public health.

This decision would seem to be decisive upon the first question, and to show, at least in the case of settled persons, that the expenses for which recovery is allowed must be strictly limited to those incurred for or in behalf of the person actually afflicted with a contagious disease. I see no reason to distinguish between those expenses which one city or town may recover from another city or town in the case of settled paupers, and those which a city or town may recover from the Commonwealth in the case of unsettled paupers. It was the evident purpose of the statute to allow a reimbursement for the same expenses in both cases. It follows, therefore, that if the board of health expends money for the support or maintenance of the family of a person infected with a contagious disease who were quarantined with such person, such expenses must be treated as having been incurred for the preservation of the public health, and cannot be recovered either from a city or town where the sick person is settled, or from the Commonwealth in case such person has no settlement.

If, however, the family of a person suffering from such disease but not quarantined are aided for the reason that such family are unable to care for and maintain themselves, and are, therefore, a charge upon the city or town where they are domiciled the aid rendered should, in my opinion, be rendered by the overseers of the poor, under R. L., c. 81, § 21, the temporary aid law, so called, and subject to the restrictions there established, as would be the case where such family had become poor and unable to support themselves, by reason of the death or injury of the parent whose work it was to provide for them.

With respect to the effect of aid rendered under either of these statutes in cases of contagious diseases dangerous to the public health, I am of opinion that such expenditures as are made by the board of health, whether in behalf of the person afflicted or

of his family, do not pauperize any of the persons who receive such aid. Where the aid is rendered by the overseers of the poor, the question is more difficult; but in that case also, in my opinion, the aid furnished, if it may properly be said that the expense incurred was in consequence of contagious disease dangerous to the public health, does not pauperize the persons aided. This view is confirmed by the fact that the provision of St. 1907, c. 386, § 2, is broad enough in terms to include not only aid furnished by the local board of health for the purpose of preserving the public health, but also aid furnished by the overseers of the poor, and required by the poverty of the family of the person afflicted with such disease.

Very truly yours,

DANA MALONE, *Attorney-General*.

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LIST OF CASES

IN WHICH THE

ATTORNEY-GENERAL

HAS APPEARED

DURING THE YEAR 1907.

GRADE CROSSINGS.

Notices have been served upon this department of the filing of the following petitions for the appointment of special commissioners for the abolition of grade crossings:—

Barnstable County.

Barnstable, Selectmen of, petitioners. Petition for abolition of County Road, Pond Village, crossing. Railroad Commissioners appointed commissioners. Commissioners' report filed. Arthur W. DeGoosh appointed auditor. Pending.

Bourne, Selectmen of, petitioners. Petition for the abolition of Collins and Handy crossings. Louis A. Frothingham, Henry L. Parker, Jr., and Lyman P. Thomas, appointed commissioners. Commissioners' report filed. Arthur W. DeGoosh appointed auditor. Auditor's first report filed. Pending.

Berkshire County.

Adams. Hoosac Valley Street Railway Company, petitioners. Petition for abolition of Commercial Street crossing in Adams. George W. Wiggin, William W. McClench and Edmund K. Turner appointed commissioners. Commissioners' report filed. Frank H. Cande appointed auditor. Pending.

Great Barrington, Selectmen of, petitioners. Petition for the abolition of a grade crossing in the village of Housatonic in said town. John J. Flaherty, Edmund K. Turner and Stephen S. Taft appointed commissioners. Commissioners' report filed. Frank N. Nay appointed auditor. Pending.

Lee, Selectmen of, petitioners. Petition for abolition of Langdon's crossing in Lee. Wade Keyes, Thomas W. Kennefick and Luther Dean appointed commissioners. Commissioners' report filed. Fred E. Jones appointed auditor. Auditor's first report filed. Pending.

- Lenox, Selectmen of, petitioners. Petition for abolition of grade crossings in Lenox. Fred Joy, Louis A. Frothingham and Edmund K. Turner appointed commissioners. Commissioners' report filed. J. Mott Hallowell appointed auditor. Auditor's first report filed. Pending.
- North Adams. Hoosac Valley Street Railway Company, petitioners. Petition for abolition of Main Street crossing, known as Braytonville crossing, in North Adams. Edmund K. Turner, William W. McClench and Joseph P. Magenis appointed commissioners. Commissioners' report filed. Frank H. Cande appointed auditor. Auditor's first report filed. Pending.
- North Adams, Mayor and Aldermen of, petitioners. Petition for abolition of State Street crossing. Pending.
- Pittsfield, Mayor and Aldermen of, and Directors of Boston & Albany Railroad Company, petitioners. Petition for the abolition of Hubbard and Gates avenues and Jason Street crossings in Pittsfield. Thomas W. Kennefick, William Sullivan and Charles M. Ludden appointed commissioners. Commissioners' report filed. Patrick J. Ashe appointed auditor. Auditor's first report filed. Pending.
- Pittsfield, Mayor and Aldermen of, petitioners. Petition for abolition of Merrill crossing in Pittsfield. Thomas W. Kennefick, Frederick L. Green and Edmund K. Turner appointed commissioners. Pending.
- Pittsfield, Mayor and Aldermen of, petitioners. Petition for abolition of Holmes Road crossing. William W. McClench, Charles N. Clark and Edmund K. Turner appointed commissioners. Commissioners' report filed. Fred E. Jones appointed auditor. Auditor's second report filed. Pending.
- Stockbridge, Selectmen of, petitioners. Petition for the abolition of "River Road" crossing in Stockbridge. James B. Carroll, Edward B. Bishop and Luther Dean appointed commissioners. Commissioners' report filed. Wade Keyes appointed auditor. Auditor's first report filed. Pending.
- Stockbridge, Selectmen of, petitioners. Petition for abolition of South Street crossing. Railroad commissioners appointed commissioners.
- Williamstown. Hoosac Valley Street Railway Company, petitioners. Petition for the abolition of a grade crossing in Williamstown, near the Fitchburg Railroad station. Edmund K. Turner, William W. McClench and Charles N.

Clark appointed commissioners. Commissioners' report filed. Frank H. Cande appointed auditor. Auditor's first report filed. Pending.

Bristol County.

Attleborough. Directors of Old Colony Railroad, petitioners. Petition for abolition of South Main Street crossing in Attleborough. George W. Wiggin, Augustus P. Martin and Charles A. Allen appointed commissioners. Commissioners' report filed. Clarence H. Cooper appointed auditor. Auditor's third report filed. Pending.

Attleborough, Selectmen of, petitioners. Petition for abolition of West Street, North Main Street and other crossings in Attleborough. James R. Dunbar, Henry L. Parker and William Jackson appointed commissioners. Commissioners' report filed. Chas. P. Searle appointed auditor. Auditor's fourth report filed. Pending.

Easton. Directors of New York, New Haven & Hartford Railroad Company, petitioners. Petition for abolition of crossing at Eastondale. James E. Cotter, Wm. Rankin and Chas. D. Bray appointed commissioners. Fred Joy appointed auditor. Auditor's fourth report filed. Pending.

Fall River, Mayor and Aldermen of, petitioners. Petition for abolition of Brownell Street crossing and other crossings in Fall River. John Q. A. Brackett, Samuel N. Aldrich and Charles A. Allen appointed commissioners. Commissioners' report filed. Fred E. Jones appointed auditor. Auditor's eighteenth report filed. Pending.

Mansfield. Directors of New York, New Haven & Hartford Railroad Company, petitioners. Petition for abolition of grade crossing at North Main, Chauncey, Central, West. School and Elm streets in Mansfield. Samuel L. Powers, Stephen S. Taft and Wm. Jackson appointed commissioners. Pending.

New Bedford, Mayor and Aldermen of, petitioners. Petition for abolition of certain grade crossings in New Bedford. George F. Richardson, Horatio G. Herrick and Wm. Wheeler appointed commissioners. Commissioners' report filed. Fred E. Jones appointed auditor. Auditor's fifth report filed. Pending.

Taunton, Mayor and Aldermen of, petitioners. Petition for abolition of grade crossings in Taunton. William B. French.

A. C. Southworth and Edward B. Bishop appointed commissioners. Commissioners' report filed. Fred E. Jones appointed auditor. Auditor's first report filed. Pending.

Essex County.

Haverhill, Mayor and Aldermen of, petitioners. Petition for abolition of Washington Street and other crossings in Haverhill. George W. Wiggin, William B. French and Edmund K. Turner appointed commissioners. Commissioners' report filed. Fred E. Jones appointed auditor. Auditor's sixth report filed. Pending.

Ipswich. Boston & Maine Railroad Company, petitioners. Petition for abolition of Locust Street crossing in Ipswich. George W. Wiggin, Edmund K. Turner and William F. Dana appointed commissioners. Commissioners' report filed. Fred E. Jones appointed auditor. Auditor's first report filed. Pending.

Ipswich, Selectmen of, petitioners. Petition for abolition of High Street crossing. Geo. W. Wiggin, Edmund K. Turner and William F. Dana appointed commissioners. Pending.

Ipswich. Directors of Boston & Maine Railroad Company, petitioners. Petition for abolition of Underhill crossing in Ipswich. George W. Wiggin, Albert D. Bosson and Edmund K. Turner appointed commissioners. Commissioners' report filed. Fred E. Jones appointed auditor. Auditor's first report filed. Pending.

Lynn, Mayor and Aldermen of, petitioners. Petition for abolition of Summer Street and other crossings on Saugus branch of Boston & Maine Railroad and Market Street and other crossings on main line. George W. Wiggin, Edgar R. Champlin and Edmund K. Turner appointed commissioners. Pending.

Lynn, Mayor and Aldermen of, petitioners. Petition for abolition of grade crossings at Pleasant and Shepard streets, Gas Wharf Road and Commercial Street, on the Boston, Revere Beach & Lynn Railroad. Pending.

Manchester. Directors of Boston & Maine Railroad Company, petitioners. Petition for the abolition of the Summer Street crossing in Manchester. George P. Sanger, Edward B. Bishop and Chas. A. Putnam appointed commissioners. Commissioners' report filed. Andrew Fiske appointed auditor. Auditor's first report filed. Pending.

Rowley. Boston & Maine Railroad Company, petitioners. Petition for abolition of Main Street crossing in Rowley. E. K. Turner, Ralph A. Stewart and James M. Swift appointed commissioners. Pending.

Salem, Mayor and Aldermen of, petitioners. Petition for the abolition of grade crossings at Bridge, Washington, Mill, North, Flint and Grove streets in Salem. Pending.

Salem, Mayor and Aldermen of, Petitioners. Petition for abolition of Lafayette Street crossing in Salem. Pending.

Franklin County.

Deerfield, Selectmen of, petitioners. Petition for abolition of Sprouts crossing on Main Street, Deerfield. Timothy G. Spaulding, Edmund K. Turner and Franklin T. Hammond appointed commissioners. Auditor's first report filed. Pending.

Deerfield. Directors of the Fitchburg Railroad Company, petitioners. Petition for abolition of McClellan crossing at East Deerfield. Alpheus Sanford, Edmund K. Turner and Walter Perley Hall appointed commissioners. Commissioners' report filed. George P. O'Donnell appointed auditor. Pending.

Greenfield, Selectmen of, petitioners. Petition for the abolition of Allen and Russell streets crossings in Greenfield. Edmund K. Turner, Walter P. Hall and Fred D. Stanley appointed commissioners. Stephen S. Taft appointed auditor. Auditor's first report filed. Pending.

Northfield, Selectmen of, petitioners. Petition for abolition of crossing on road to South Vernon. Edmund K. Turner, Charles W. Hazelton and Charles H. Innes appointed commissioners. Pending.

Northfield, Selectmen of, petitioners. Petition for abolition of River Street crossing in Northfield. Alpheus Sanford, Charles W. Hazelton and Newell D. Winter appointed commissioners. Commissioners' report filed. Dana Malone appointed auditor. Auditor's first and supplemental reports filed. Pending.

Hampden County.

Chester, Selectmen of, and Directors of Boston & Albany Railroad Company, petitioners. Petition for abolition of Huntington Road in Chester. Charles E. Hibbard, William

Sullivan and Wm. P. Martin appointed commissioners. Commissioners' report filed. Ralph W. Ellis appointed auditor. Auditor's first report filed. Pending.

Chester, Selectmen of, and Directors of Boston & Albany Railroad Company, petitioners. Petition for abolition of Huntington Street and White Chop crossing in Chester. Charles E. Hibbard, William Sullivan and William P. Martin appointed commissioners. Thos. W. Kennefick appointed auditor. Auditor's first and supplemental reports filed. Pending.

Chicopee, Mayor and Aldermen of, petitioners. Petition for abolition of Plainfield and Exchange Street crossings and other crossings in Chicopee. Geo. W. Wiggin, Edmund K. Turner and Fred D. Stanley appointed commissioners. Commissioners' report filed. Timothy G. Spaulding appointed auditor. Auditor's fourth report filed. Pending.

Palmer, Selectmen of, petitioners. Petition for abolition of Palmer and Belchertown Road crossing in Palmer. T. M. Brown, Chas. E. Hibbard and Henry G. Taft appointed commissioners. Commissioners' report filed. Stephen S. Taft appointed auditor. Auditor's first report filed. Pending.

Palmer, Selectmen of, petitioners. Petition for abolition of Burley's crossing in Palmer. Pending.

Palmer, Selectmen of, petitioners. Petition for abolition of Springfield Road crossing, otherwise known as the Wire Mill crossing, in Palmer. William Turtle, Frederick L. Greene and John W. Mason appointed commissioners. Commissioners' report filed. Pending.

Springfield, Mayor and Aldermen of, petitioners. Petition for abolition of Bay State Road and other crossings in Springfield. George W. Richardson, Marshall Wilcox and George W. Wiggin appointed commissioners. Commissioners' report filed. Charles W. Bosworth appointed auditor. Auditor's first report filed. Pending.

Springfield, Mayor and Aldermen of, petitioners. Petition for abolition of South End Bridge crossing in Springfield, Arthur H. Wellman, John J. Flaherty and George F. Swain appointed commissioners. Commissioners' report filed. Fred E. Jones appointed auditor. Auditor's second report filed. Pending.

Westfield, Selectmen of, petitioners. Petition for raising of

bridge over Elm Street in Westfield. Thomas W. Proctor, John B. O'Donnell and Edmund K. Turner appointed commissioners. Commissioners' report filed. J. Mott Hallowell appointed auditor. Auditor's first report filed. Pending.

Westfield, Selectmen of, petitioners. Petition for raising bridge over North Elm Street in Westfield. Geo. W. Wiggin, Frederick L. Greenè and Edmund K. Turner appointed commissioners. Commissioners' report filed. Pending.

Westfield, Selectmen of, petitioners. Petition for the abolition of North Elm Street crossing in Westfield. Charles E. Hibbard, Joseph Bennett and George W. Wiggin appointed commissioners. Commissioners' report filed. Ralph W. Ellis appointed auditor. Auditor's first report filed. Pending.

Westfield. Boston & Albany Railroad Company, petitioners. Petition for abolition of Coburn's and Morse's crossings in Westfield. Charles M. Ludden, William Sullivan and Richard W. Irwin appointed commissioners. Commissioners' report filed. Ralph W. Ellis appointed auditor. Auditor's first report filed. Pending.

Hampshire County.

Belchertown, Selectmen of, petitioners. Petition for abolition of Holyoke Road crossing in Belchertown. George W. Wiggin, Fred D. Stanley and Edmund K. Turner appointed commissioners. Commissioners' report filed. Stephen S. Taft appointed auditor. Auditor's second report filed. Pending.

Belchertown, Selectmen of, petitioners. Petition for the abolition of Leache's crossing in Belchertown. Augustus W. Locke, George W. Johnson and Joseph Bennett appointed commissioners. Commissioners' report filed. William H. Clapp appointed auditor. Auditor's report filed. Pending.

Northampton, Mayor and Aldermen of, petitioners. Petition for abolition of Grove Street and Earl Street crossings in Northampton. Frederick L. Greene, Stephen S. Taft and James M. Sickman appointed commissioners. Commissioners' report filed. William P. Hayes appointed auditor. Auditor's first report filed. Pending.

Northampton. Directors of Connecticut River Railroad Company, petitioners. Petition for abolition of Lyman's crossing in Northampton. George W. Wiggin, Fred D. Stanley

and Edmund K. Turner appointed commissioners. Commissioners' report filed. L. E. Hitchcock appointed auditor. Auditor's third report filed. Pending.

Northampton, Mayor and Aldermen of, petitioners. Petition for abolition of Laurel Park station crossing in Northampton. George W. Wiggin, Fred D. Stanley and Edmund K. Turner appointed commissioners. Commissioners' report filed. Arthur S. Kneil appointed auditor. Auditor's first report filed. Pending.

Ware, Selectmen of, petitioners. Petition for abolition of Gibbs crossing in Ware. George F. Tucker, George F. Kimball and Lawson Sibley appointed commissioners. Commissioners' report filed. John W. Mason appointed auditor. Pending.

Ware, Selectmen of, petitioners. Petition for abolition of Maple Street and Gilbertville Road crossings in Ware. Alpheus Sanford, Everett C. Bumpus and William W. McClench appointed commissioners. Commissioners' report filed. John W. Mason appointed auditor. Auditor's first report filed. Pending.

Middlesex County.

Acton, Selectmen of, petitioners. Petition for abolition of Great Road crossing in Acton. Benj. W. Wells, George Burrage and William B. Sullivan appointed commissioners. Commissioners' report filed. Fred Joy appointed auditor. Pending.

Acton, Selectmen of, petitioners. Petition for abolition of Maynard Road crossing in Acton. Edmund K. Turner, Edward F. Blodgett and Wade Keyes appointed commissioners. Commissioners' report filed. Fred Joy appointed auditor. Pending.

Arlington, Selectmen of, petitioners. Petition for abolition of Grove Street crossing and other crossings in Arlington. Alpheus Sanford, Edmund K. Turner and S. Everett Tinkham appointed commissioners. Commissioners' report filed. Fred Joy appointed auditor. Auditor's third report filed. Pending.

Ayer, Selectmen of, petitioners. Petition for abolition of Main Street crossing in Ayer. Samuel K. Hamilton, Theodore C. Hurd and Edmund K. Turner appointed commissioners. Commissioners' report filed. Robert P. Clapp appointed auditor. Auditor's first report filed. Pending.

Ayer, Selectmen of, petitioners. Petition for abolition of West Main and Park streets crossing in Ayer. Frank P. Goulding, Charles A. Allen and Anson D. Fessenden appointed commissioners. Commissioners' report filed. Theodore C. Hurd appointed auditor. Auditor's second report filed. Pending.

Belmont, Selectmen of, petitioners. Petition for abolition of Brighton Street, Concord Avenue and Trapelo Road crossings in Belmont. Pending. Theodore C. Hurd, Fred Joy and George F. Swain appointed commissioners. Commissioners' report filed. Pending.

Cambridge. Directors of Boston & Maine Railroad Company, petitioners. Petition for abolition of Prison Point Street crossing in Cambridge. Henry S. Milton, Edward B. Bishop and Henry G. Taft appointed commissioners. Commissioners' report filed. Theodore C. Hurd appointed auditor. Auditor's sixth report filed. Pending.

Chelmsford, Selectmen of, petitioners. Petition for abolition of Princeton Street crossing in Chelmsford. Edmund K. Turner, Frederick W. Dallinger and Charles F. Worcester appointed commissioners. Commissioners' report filed. W. C. Dillingham appointed auditor. Pending.

Concord, Selectmen of, petitioners. Petition for abolition of Oliver Rice crossing and Hosmer's crossing in Concord. Theodore C. Hurd, William Sullivan and Percy G. Bolster appointed commissioners. Commissioners' report filed. Henry L. Parker appointed auditor. Auditor's final report filed.

Everett. Directors of Boston & Maine Railroad Company, petitioners. Petition for abolition of crossings at Broadway and Main Street in Everett. George W. Wiggin, Edmund K. Turner and Robert S. Gray appointed commissioners. Commissioners' report filed. Fred E. Jones appointed auditor. Auditor's sixth report filed. Pending.

Framingham, Selectmen of, petitioners. Petition for the abolition of Marble Street crossing. Pending.

Framingham, Selectmen of, petitioners. Petition for the abolition of Concord Street crossing. Pending.

Framingham, Selectmen of, petitioners. Petition for the abolition of Waverly Street crossing. Pending.

Framingham, Selectmen of, petitioners. Petition for the abolition of Bishop Street crossing. Pending.

- Framingham, Selectmen of, petitioners. Petition for the abolition of Hollis and Waushakum streets crossings. Pending.
- Framingham, Selectmen of, petitioners. Petition for the abolition of Claflin Street crossing. Pending.
- Lexington, Selectmen of, petitioners. Petition for abolition of Grant Street crossing in Lexington. Alpheus Sanford, Edmund K. Turner and S. Everett Tinkham appointed commissioners. Commissioners' report filed. Franklin Freeman appointed auditor. Auditor's first report filed. Pending.
- Lowell, Mayor and Aldermen of, petitioners. Petition for abolition of Middlesex and Thorndike streets crossings. Pending.
- Lowell, Mayor and Aldermen of, petitioners. Petition for abolition of Boston Road and Plain Street crossings. Arthur Lord, David F. Slade and Henry A. Wyman appointed commissioners. Pending.
- Lowell, Mayor and Aldermen of, petitioners. Petition for abolition of School and Walker streets crossings. Arthur Lord, David F. Slade and Henry A. Wyman appointed commissioners. Pending.
- Lowell, Mayor and Aldermen of, petitioners. Petition for abolition of Lincoln Street crossing. Arthur Lord, David F. Slade and Henry A. Wyman appointed commissioners. Pending.
- Lowell, Mayor and Aldermen of, petitioners. Petition for abolition of Middlesex, Thorndike and Lincoln streets and Boston Road grade crossings. Pending.
- Lowell, Mayor and Aldermen of, petitioners. Petition for abolition of Pawtucket Street crossing and other crossings in Lowell. George W. Wiggin, John W. Ellis and Samuel L. Minot appointed commissioners. Commissioners' report filed. Patrick H. Cooney appointed auditor. Auditor's second report filed. Pending.
- Malden. Directors of Boston & Maine Railroad Company, petitioners. Petition for abolition of Medford Street and other crossings in Malden. Geo. W. Wiggin, Robert O. Harris and Edmund K. Turner appointed commissioners. Commissioners' report filed. Fred E. Jones appointed auditor. Auditor's third report filed. Pending.
- Malden, Mayor and Aldermen of, petitioners. Petition for abolition of Pleasant and Winter streets crossing in Malden.

George W. Wiggin, Edmund K. Turner and Fred Joy appointed commissioners. Pending.

Marlborough, Mayor and Aldermen of, petitioners. Petition for abolition of Hudson Street crossing in Marlborough. Walter Adams, Charles A. Allen and Alpheus Sanford appointed commissioners. Commissioners' report filed. Pending.

Natick. Boston & Worcester Street Railway Company, petitioners. Petition for alteration of Worcester Street crossing in Natick. Geo. W. Wiggin, Edmund K. Turner and Larkin T. Trull appointed commissioners. Commissioners' report filed. Theo. C. Hurd appointed auditor. Auditor's second report filed. Pending.

Natick. Directors of Boston & Albany Railroad Company, petitioners. Petition for abolition of Marion Street crossing and other crossings in Natick. George W. Wiggin, Larkin T. Trull and Joseph Bennett appointed commissioners. Commissioners' report filed. Theodore C. Hurd appointed auditor. Auditor's seventh and final report filed.

Newton, Mayor and Aldermen of, petitioners. Petition for the abolition of Concord Street and Pine Grove Avenue crossings in Newton. George W. Wiggin, T. C. Mendenhall and Edmund K. Turner appointed commissioners. Pending.

Newton, Mayor and Aldermen of, petitioners. Petition for abolition of crossings on main line in Newton. Theo. C. Hurd appointed auditor. Auditor's eleventh report filed. Pending.

Newton, Mayor and Aldermen of, petitioners. Petition for the abolition of Glen Avenue and nine other crossings in Newton. Geo. W. Wiggin, T. C. Mendenhall and Edmund K. Turner appointed commissioners. Commissioners' report filed. Patrick H. Cooney appointed auditor. Auditor's thirteenth report filed. Pending.

North Reading, Selectmen of, petitioners. Petition for abolition of Main Street crossing in North Reading. Alpheus Sanford, George N. Poor and Louis M. Clark appointed commissioners. Report of commissioners filed. Pending.

Somerville, Mayor and Aldermen of, petitioners. Petition for abolition of Park Street, Dane Street, Somerville Avenue and Medford Street crossings in Somerville. George W. Wiggin, George F. Swain and James D. Colt appointed commissioners. Pending.

Wakefield, Selectmen of, petitioners. Petition for abolition of Hanson Street crossing in Wakefield. Pending.

- Waltham, Mayor and Aldermen of, petitioners. Petition for abolition of South Street crossing in Waltham. Geo. F. Swain, ——— and Geo. A. Sanderson appointed commissioners. Pending.
- Waltham, Mayor and Aldermen of, petitioners. Petition for abolition of Moody Street, Main Street, Elm Street, River Street, Pine Street, Newton Street and Calvary Street crossings in Waltham. Arthur Lord, Patrick H. Cooney and George F. Swain appointed commissioners. Pending.
- Winchester, Selectmen of, petitioners. Petition for the abolition of crossing at Winchester station square. George W. Wiggin, George F. Swain and Arthur Lord appointed commissioners. Pending.

Norfolk County.

- Braintree, Selectmen of, petitioners. Petition for the abolition of the Pearl Street crossing at South Braintree. Patrick H. Cooney, Frank N. Nay and George F. Swain appointed commissioners. Pending.
- Braintree. Directors of New York, New Haven & Hartford Railroad Company, petitioners. Petition for abolition of grade crossing at School, Elm, River and Union streets in Braintree. Boyd B. Jones, Winfield S. Slocum and Arthur H. Wellman appointed commissioners. Pending.
- Brookline. Directors of Boston & Albany Railroad Company, petitioners. Petition for the abolition of Kerrigan Place crossing in Brookline. William Sullivan, Henry M. Hutchins and Wade Keyes appointed commissioners. Commissioners' report filed. Henry M. Hutchins appointed auditor. Auditor's first report filed. Pending.
- Brookline and Boston. Directors of the Boston & Albany Railroad Company, petitioners. Petition for the abolition of Reservoir Lane crossing in Boston and Brookline. Henry C. Mulligan, Charles T. Davis and Albert S. Apsey appointed commissioners. Commissioners' report filed. Robert G. Dodge appointed auditor. Auditor's first report filed. Pending.
- Canton. Directors of New York, New Haven & Hartford Railroad Company, petitioners. Petition for abolition of Dedham Road crossing in Canton. Samuel L. Powers, Stephen S. Taft and Wm. Jackson appointed commissioners. Pending.
- Dedham. Directors of New York, New Haven & Hartford Rail-

road Company, petitioners. Petition for abolition of Green Lodge Street crossing in Dedham. Samuel L. Powers, Stephen S. Taft and Wm. Jackson appointed commissioners. Pending.

Dedham. Directors of the Old Colony Railroad Company, petitioners. Petition for the abolition of River Street and Whiting Avenue crossings. Augustus P. Martin, Charles A. Allen and Fred Joy appointed commissioners. Commissioners' report filed. Clarence H. Cooper appointed auditor. Auditor's supplemental report filed. Pending.

Dedham, Selectmen of, petitioners. Petition for the abolition of Eastern Avenue and Dwight Street crossings in Dedham. Alpheus Sanford, Charles Mills and J. Henry Reed appointed commissioners. Commissioners' report filed. Fred E. Jones appointed auditor. Pending.

Dedham, Selectmen of, and Directors of New York, New Haven & Hartford Railroad Company, petitioners. Petitions for abolition of East Street, Walnut Street and Vernon Street crossings in Dedham, consolidated with petitions to abolish Milton Street crossing in Hyde Park. Samuel N. Aldrich, Edward B. Bishop and H. C. Southworth appointed commissioners. Commissioners' report filed. Fred E. Jones appointed auditor. Auditor's thirteenth report filed. Pending.

Foxborough. Directors of New York, New Haven & Hartford Railroad Company, petitioners. Petition for abolition of grade crossing at Cohasset and Summer streets in Foxborough. Samuel L. Powers, Stephen S. Taft and Wm. Jackson appointed commissioners. Pending.

Hyde Park and Dedham, consolidated petitions. See Dedham.

Hyde Park, Selectmen of, petitioners. Petition for abolition of Fairmount Avenue and Bridge Street crossings in Hyde Park. Boyd B. Jones, Edmund K. Turner and Fred Joy appointed commissioners. Thomas W. Proctor appointed auditor. Pending.

Medway. Selectmen of, petitioners. Petition for abolition of Village Street crossing in Medway. Arthur Lyman, George D. Burrage and Alpheus Sanford appointed commissioners. Commissioners' report filed. Edmund H. Talbot appointed auditor. Auditor's second report filed. Pending.

Needham, Selectmen of, petitioners. Petition for abolition of Charles River Street crossing in Needham. Pending.

Norwood, Selectmen of, and Directors of New York, New Haven

& Hartford Railroad Company, petitioners. Petition for abolition of Chapel Street, Washington Street and Guild Street crossings in Norwood. Henry A. Wyman, James F. C. Hyde and Charles E. C. Breck appointed commissioners. Commissioners' report filed. Albert A. Avery appointed auditor. Auditor's seventh report filed. Pending.

Quincy. Directors of New York, New Haven & Hartford Railroad Company, petitioners. Petition for abolition of Saville and Water streets crossings in Quincy. Boyd B. Jones, Winfield S. Slocum and Arthur H. Wellman appointed commissioners. Pending.

Sharon. Directors of New York, New Haven & Hartford Railroad Company, petitioners. Petition for abolition of grade crossing at Depot, Garden and Mohawk streets in Sharon. Samuel L. Powers, Stephen S. Taft and Wm. Jackson appointed commissioners. Pending.

Sharon, Selectmen of, petitioners. Petition for abolition of Depot Street crossing in Sharon. William B. Durant, Fred Joy and Charles D. Bray appointed commissioners. Pending.

Walpole, Selectmen of, petitioners. Petition for abolition of Oak Street crossing and other crossings in Walpole. Dana Malone, Edmund K. Turner and Henry A. Wyman appointed commissioners. Commissioners' report filed. N. L. Sheldon appointed auditor. Auditor's third report filed. Pending.

Westwood. Directors of New York, New Haven & Hartford Railroad Company, petitioners. Petition for abolition of Green Lodge Street crossing in Westwood. Samuel L. Powers, Stephen S. Taft and Wm. Jackson appointed commissioners. Pending.

Plymouth County.

Abington. Directors of New York, New Haven & Hartford Railroad Company, petitioners. Petition for abolition of Central Street crossing in Abington. Alpheus Sanford, Erastus Worthington, Jr., and Edward B. Bishop appointed commissioners. Commissioners' report filed. Fred E. Jones appointed auditor. Auditor's second report filed. Pending.

Hingham. Directors of New York, New Haven & Hartford Railroad Company, petitioners. Petition for abolition of Rockland Street crossing in Hingham. Winfield S. Slocum, Alpheus Sanford and Henry C. Southworth appointed com-

missioners. Arthur W. DeGoosh appointed auditor. Auditor's first report filed. Pending.

Marshfield. Directors of New York, New Haven & Hartford Railroad Company, petitioners. Petition for abolition of crossing near Marshfield station. Alpheus Sanford, J. Albert Brackett and Frank T. Daniels appointed commissioners. Commissioners' report filed. Fred E. Jones appointed auditor. Auditor's first report filed. Pending.

Middleborough, Selectmen of, petitioners. Petition for abolition of Centre Street, Grove Street and Main Street crossings in Middleborough. Alpheus Sanford, Edward B. Bishop and Samuel H. Hudson appointed commissioners. Commissioners' report filed. Fred E. Jones appointed auditor. Auditor's sixth report filed. Pending.

Scituate. Directors of New York, New Haven & Hartford Railroad Company, petitioners. Petition for abolition of Water Street and Union Street crossings in Scituate. Arthur H. Wellman, Edmund K. Turner and Oscar A. Marden appointed commissioners. Commissioners' report filed. Fred E. Jones appointed auditor. Auditor's third report filed. Pending.

Suffolk County.

Boston. Directors of Old Colony Railroad Company, petitioners. Petition for abolition of Tremont Street crossing in Boston. Samuel N. Aldrich, H. C. Southworth and Edward B. Bishop appointed commissioners. Commissioners' report filed. Fred E. Jones appointed auditor. Auditor's twenty-first report filed. Pending.

Boston, Mayor and Aldermen of, petitioners. Petition for abolition of Dudley Street crossing in Dorchester. Thomas Post, Fred Joy and Edmund K. Turner appointed commissioners. Commissioners' report filed. James D. Colt appointed auditor. Auditor's third report filed. Pending.

Boston, Mayor and Aldermen of, petitioners. Petition for abolition of Dorchester Avenue crossing in Boston. F. N. Gillette, Charles S. Lilley and Charles Mills appointed commissioners. Commissioners' report filed. Fred Joy appointed auditor. Auditor's thirty-first report filed. Pending.

Boston, Mayor and Aldermen of, petitioners. Petition for abolition of Austin Street, Cambridge Street and Perkins Street crossings in Charlestown. Henry S. Milton, Edward B.

- Bishop and Henry G. Taft appointed commissioners. Commissioners' report filed. Fred Joy appointed auditor. Auditor's ninth report filed. Pending.
- Boston. New York, New Haven & Hartford Railroad Company, petitioners. Petition for abolition of Neponset and Granite avenues crossings in Dorchester. Pending.
- Boston, Mayor and Aldermen of, petitioners. Petition for abolition of Freeport, Adams, Park, Mill and Walnut streets and Dorchester Avenue crossings. James R. Dunbar, Samuel L. Powers and Thomas W. Proctor appointed commissioners. Commissioners' report filed. Arthur H. Wellman appointed auditor. Pending.
- Boston, Mayor and Aldermen of, petitioners. Petition for abolition of Congress Street crossing in Boston. George W. Wiggin, Edward B. Bishop and Charles A. Allen appointed commissioners. Commissioners' report filed. Fred E. Jones appointed auditor. Auditor's twenty-sixth report filed. Pending.
- Boston. Directors of Old Colony Railroad Company, petitioners. Petition for abolition of Codman Street crossing in Boston. George W. Wiggin, Charles A. Allen and William M. Butler appointed commissioners. Commissioners' report filed. Henry S. Milton appointed auditor. Auditor's third report filed. Pending.
- Boston, Mayor and Aldermen of, petitioners. Petition for the abolition of the Essex Street crossing in Brighton. George W. Wiggin, William B. French and Winfield S. Slocum appointed commissioners. Pending.
- Boston, Mayor and Aldermen of, petitioners. Petition for abolition of Blue Hill Avenue and Oakland Street crossings in Boston. William B. French, Arthur H. Wellman and George A. Kimball appointed commissioners. Commissioners' report filed. Fred E. Jones appointed auditor. Auditor's nineteenth report filed. Pending.
- Boston, Mayor and Aldermen of, petitioners. Petition for abolition of all crossings in East Boston. George W. Wiggin, William B. French and Edward B. Bishop appointed commissioners. Commissioners' report filed. Winfield S. Slocum appointed auditor. Auditor's eighth report filed. Pending.
- Revere, Selectmen of, petitioners. Petition for abolition of Winthrop avenue crossing in Revere. George W. Wiggin,

Everett C. Bumpus and Charles D. Bray appointed commissioners. Commissioners' report filed. Fred E. Jones appointed auditor. Auditor's second report filed. Pending.

Worcester County.

Blackstone. Directors of New York, New Haven & Hartford Railroad Company, petitioners. Petition for abolition of Mendon Street crossing in Blackstone. Railroad commissioners appointed commissioners. Commissioners' report filed. William S. Dana appointed auditor. Auditor's first report filed. Pending.

Clinton, Selectmen of, petitioners. Petition for abolition of Sterling, Water, Main and Woodlawn streets crossings. George W. Wiggin, William E. McClintock and James A. Stiles appointed commissioners. Pending.

Fitchburg, Mayor and Aldermen of, petitioners. Petition for abolition of Putnam Street and Laurel Street crossings in Fitchburg. Frank P. Goulding, Charles A. Allen and Charles M. Thayer appointed commissioners. Commissioners' report filed. George S. Taft appointed auditor. Auditor's third report filed. Pending.

Fitchburg, Mayor and Aldermen of, petitioners. Petition for abolition of Rollstone Street crossing in Fitchburg. Edmund K. Turner, Edwin U. Curtis and Ernest H. Vaughan appointed commissioners. Commissioners' report filed. Pending.

Gardner, Selectmen of, petitioners. Petition for abolition of Union Street crossing in Gardner. Frank P. Goulding, Charles A. Allen and Franklin L. Waters appointed commissioners. Commissioners' report filed. Henry L. Parker appointed auditor. Auditor's first report filed. Pending.

Holden, Selectmen of, petitioners. Petition for abolition of Dawson's crossing and Cedar Swamp crossing in Holden. Charles A. Allen, Arthur P. Rugg and Henry G. Taft appointed commissioners. Commissioners' report filed. Pending.

Hubbardston, Selectmen of, petitioners. Petition for abolition of Depot Road crossing in Hubbardston. Pending.

Leominster, Selectmen of, petitioners. Petition for abolition of Water Street crossing. George W. Wiggin, George F. Swain and ——— appointed commissioners. Pending.

Leominster, Selectmen of, petitioners. Petition for abolition of

Summer Street crossing. George W. Wiggin, George F. Swain and ——— appointed commissioners. Pending.

Leominster, Selectmen of, petitioners. Petition for the abolition of Mechanic Street crossing. George W. Wiggin, George F. Swain and ——— appointed commissioners. Pending.

Leominster, Selectmen of, petitioners. Petition for the abolition of Main Street crossing. George W. Wiggin, George F. Swain and ——— appointed commissioners. Pending.

Leominster, Selectmen of, petitioners. Petition for abolition of Lancaster Street crossing in Leominster. Alpheus Sanford. Charles A. Allen and Seth P. Smith appointed commissioners. Commissioners' report filed. Fred E. Jones appointed auditor. Auditor's first report filed. Pending.

Northborough, Selectmen of, petitioners. Petition for abolition of Westborough Hospital station crossing in Northborough. Thomas Post. William Wheeler and Alpheus Sanford appointed commissioners. Commissioners' report filed. Guy W. Currier appointed auditor. Auditor's first report filed. Pending.

Northbridge and Uxbridge, joint petition of Selectmen of. Petition for abolition of Whitin's station crossing. Alpheus Sanford, Edward B. Bishop and Harry C. Southworth appointed commissioners. Commissioners' report filed. Fred E. Jones appointed auditor. Auditor's fifth report filed. Pending.

Southborough, Selectmen of, petitioners. Petition for abolition of crossing on road from Southborough to Framingham. Samuel W. McCall, Louis A. Frothingham and Eugene C. Hultman appointed commissioners. Pending.

Southborough, Selectmen of, petitioners. Petition for abolition of crossing on road leading from Southborough to Hopkinton. George C. Travis, James W. McDonald and William Sullivan appointed commissioners. Commissioners' report filed. Theodore C. Hurd appointed auditor. Auditor's third report filed. Pending.

Southborough, Selectmen of, petitioners. Petition for abolition of Main Street crossing at Fayville in Southborough. Pending.

West Boylston. Boston & Maine Railroad Company, petition-

ers. Petition for abolition of Prescott Street crossing. Pending.

Westborough, Selectmen of, and Directors of Boston & Albany Railroad Company, petitioners. Petition for abolition of Main Street and Summer Street crossings in Westborough. George W. Wiggin, George N. Smalley and Joseph Bennett appointed commissioners. Commissioners' report filed. H. L. Parker appointed auditor. Auditor's third report filed. Pending.

Worcester, Mayor and Aldermen of, petitioners. Petition for abolition of Grafton Street crossing and eight other crossings, including alterations of Union Station. James R. Dunbar, James H. Flint and George F. Swain appointed commissioners. Commissioners' report filed. James A. Stiles appointed auditor. Pending.

Worcester, Mayor and Aldermen of, petitioners. Petition for abolition of Hamilton Street crossing in Worcester. Augustus P. Martin, James D. Colt and Edmund K. Turner appointed commissioners. Commissioners' report filed. James A. Stiles appointed auditor. Auditor's report filed. Pending.

Worcester. Directors of Boston & Albany Railroad Company, petitioners. Petition for abolition of Webster Street, Ludlow Street, Sutton Lane and Heard Street crossings in Worcester. Harvey N. Shepard, Frederick Brooks and Joseph S. Ludlam appointed commissioners. Commissioners' report filed. James A. Stiles appointed auditor. Auditor's amended second report filed. Pending.

The following cases have been brought for alleged land damages incurred in the alteration of grade crossings. The Commonwealth, being obliged under the statutes to pay at least twenty-five per cent. of the expenses incurred in the alteration of all grade crossings, has in all cases been made a party thereto.

Boston *et als. v.* Boston Wharf Company. Superior Court, Suffolk County. Pending.

Codman *et als. v.* New England Railroad Company *et als.* Superior Court, Suffolk County. Pending.

Commonwealth *v.* Boston. Superior Court, Suffolk County. Settled.

- Connell *v.* Boston & Maine Railroad Company, *et al.* Superior Court, Middlesex County. Pending.
- Dickinson *et al. v.* Fitchburg. Superior Court, Worcester County. Pending.
- Googins, Mary A., *et al. v.* Boston & Albany Railroad Company *et al.* Superior Court, Suffolk County. Pending.
- Lovejoy, Augustus, *v.* Commonwealth *et al.* Superior Court, Middlesex County. Pending.
- Malden *v.* Boston & Maine Railroad Company. Superior Court, Middlesex County. Pending.
- Moore, George C., *v.* Town of Chelmsford. Superior Court, Middlesex County. Pending.
- Phelps *v.* Fitchburg Railroad Company. Superior Court, Middlesex County. Pending.
- Sanford, George E., *v.* Belchertown *et al.* Superior Court, Hampshire County. Pending.
- Stack *v.* New York, New Haven & Hartford Railroad Company *et al.* Superior Court, Hampshire County. Pending.

CASES ARISING IN THE PROBATE COURTS

UNDER THE

COLLATERAL INHERITANCE TAX ACT.

Essex County.

Harris, Nathaniel B., estate of. Charles W. Richardson, executor. Pending.

Nichols, Mary C., estate of. Frank O. Woods, executor. Petition for instructions. Pending.

Hampden County.

Bishop, John George, estate of. Emily Clara Bishop, executrix. Petition for instructions. Pending.

Crockett, Sara L., estate of. H. L. Harding *et al.*, executors. Petition of Treasurer and Receiver-General to collect tax on said estate. Pending.

Greenleaf, Orick H., estate of. Ida E. Greenleaf *et al.*, petitioners. Petition for instructions. Pending.

Lathrop, Erastus, estate of. S. Augustus Allen, executor, petitioner. Petition for instructions. Pending.

Sanders, Sidney, estate of. Ella M. Quimby, executrix. Petition for instructions. Pending.

Tyner, George N., estate of. Edward S. Towne *et al.*, executors. Petition for instructions. Pending.

Vining, Sarah E., estate of. Charles H. Barrows, executor. Petition for instructions. Pending.

Middlesex County.

Graham, Mary H., estate of. William A. Russell, executor. Pending.

Little, John Albro, estate of. Robert H. McCurdy *et al.*, executors. Pending.

Warren, Martha R., estate of. Benjamin C. Clark, executor. Decree.

Norfolk County.

Bowles, Mary W., estate of. George E. Bullard, executor. Attorney-General waived right to be heard.

Harlow, Robert Henry, estate of. Francis L. Hayes *et al.*, executors. Pending.

Taft, Luke Herbert, estate of. Helen E. Taft *et al.*, executors. Pending.

Welton, Walter B., estate of. Henry W. Kidder, administrator. Pending.

Suffolk County.

Gould, Samuel, estate of. Sabin P. Sanger *et al.*, trustees. Attorney-General waived right to be heard.

Howe, Irving A., estate of. D. J. Lord, administrator. Petition of Treasurer and Receiver-General for payment of tax on certain legacies. Pending.

Reed, Rebecca T., estate of. Augustus E. Scott, petitioner for instructions. Pending.

Sinnott, Joseph F., estate of. John Sinnott, executor. Pending.

Wheelock, George A., estate of. William H. Elliott, executor. Pending.

Worcester County.

Bullock, Brigham N., estate of. George Bullock *et al.*, executors. Petition for instructions. Pending.

Thayer, Julia B., estate of. Frederick H. Kingsbury *et al.*, executors. Petition for instructions. Pending.

PUBLIC CHARITABLE TRUSTS.

Bristol County.

- Arnold, Sarah Rotch, estate of. Alanson S. Barney, petitioner. Petition for appointment of trustee. Pending.
- Peckham, Peleg W., estate of. Joseph M. Sharrock *et al.*, trustees. Petition for allowance of third and third supplemental account. Pending.
- Pye, Ellen, estate of. Elizabeth E. Pye, trustee. Petition for mortgage, real estate held in trust. Pending.

Essex County.

- Bartlett, David Greenleaf, estate of. Albert L. Bartlett, executor. Petition for instructions. Pending.
- Buffum, Jonathan, estate of. Caroline P. Moulton *et al.*, executors. Petition for allowance of final account. Pending.
- Coburn, Lucy C., estate of. Malcolm Donald, petitioner. Petition for appointment of trustee. Attorney-General waived right to be heard.
- Essex Agricultural Society *v.* Massachusetts General Hospital Corporation and the Attorney-General. Petition to sell real estate and to apply the doctrine of *cy-pres*. Service accepted. Petition dismissed. Petitioner appealed. Pending.
- Haskins, Leander Miller, estate of. Nathaniel Richardson *et al.*, petitioners. Petition for appointment of trustees. Pending.
- King, Harriet M., estate of. Charles W. Richardson, administrator. Petition for instructions. Decree. Appeal entered. Pending.
- Searles, Edward F., *et al. v.* Irene E. Fieles *et al.* Petition for instructions under the will of Artemas W. Stearns. Pending.

Franklin County.

- Delano, Lucy J., estate of. Richard Clapp, trustee. Petition for appointment of trustee and allowance of first and final account. Attorney-General waived right to be heard on account.

Tilton, Chauncey B., estate of. Petition for appointment of trustee. Attorney-General waived right to be heard.

Hampden County.

Boland, James J., estate of. John F. Fagan, trustee. Petition for leave to sell real estate left for charitable purposes. Attorney-General assented to petition.

Holbrook, George B., *et al. v.* Edward W. Appleton *et al.* Petition for leave to sell real estate under deed of trust, and for instructions. Pending.

James, John, estate of. Town of Goshen, petitioner. Petition for instructions. pending.

Lathrop, Erastus, estate of. S. Augustus Allen, executor, petitioner. Petition for instructions. Pending.

Lynds, Peter O., estate of. H. Prentice Kendall, executor. Petition for instructions. Pending.

Smith, Horace, estate of. Henry S. Lee *et al.*, trustees. Petition for allowance of accounts. Pending.

Whiting, H. Amelia, *v.* The Women's Union Temperance Organization. Petition for injunction to prevent defendant corporation from exceeding its powers under charter. Pending.

Middlesex County.

Belknap, Hiram, estate of. Daniel A. Walker, executor. Petition for leave to sell real estate. Attorney-General assented to petition.

Groeschner, Alfred H. A., estate of. Henry W. Brigham *et al.*, trustees. Petition for appointment of trustees. Attorney-General waived right to be heard.

Hayes, Maria, estate of. William Nutt, executor. Petition for allowance of first and final account. Pending.

Massachusetts Universalists Convention. Petition for leave to sell real estate held in trust. Attorney-General waived right to be heard.

Walker, Mary Sophia, estate of. William Lawrence *et al.*, trustees. Petition for license to sell real estate held in trust. Attorney-General assented to petition.

Ward, Winthrop, estate of. Francis H. Brown *et al.*, petitioners. Petition for appointment of trustees. Pending.

Norfolk County.

Cleveland, Ira, estate of. Franklin W. Mann, petitioner. Petition for appointment of trustee of trust funds. Pending.
Ely, Frederick D., *et al. v.* Attorney-General *et al.* Bill in equity for instructions under the will of Charlotte Kingsbury. Pending.

Plymouth County.

Cobb, Rozilla, estate of. William W. Bryant *et al.*, trustees. Petition for leave to transfer real estate held in trust. Attorney-General waived right to be heard.

Suffolk County.

Arlington, Inhabitants of, *v.* Attorney-General. Petition for instructions under the will of Nathan Pratt. Pending.
Atkins, Henry Holly, estate of. William Warren Vaughan *et al.*, trustees. Petition for allowance of fourth, fifth and sixth account. Pending.
Bird, John H., estate of. George A. Thayer *et al.*, trustees. Petition for allowance of thirty-first and thirty-second accounts. Attorney-General waived right to be heard.
Boston, city of, petitioner. Petition for instructions under the will of Benjamin Franklin. Pending.
Boston, Overseers of the Poor of, *v.* Attorney-General *et al.* Petition for instructions as to gift to charity under the will of David Jeffries. Pending.
Brown, Harriet L., estate of. Thomas Minns *et al.*, executors. Petition for leave to invest trust funds. Attorney-General waived right to be heard.
Cheney, Ednah Dow, estate of. Charles S. Gill *et als.*, executors. Petition for instructions. Pending.
Day, Bertha L., estate of. Salvation Army, petitioner. Petition for distribution of trust funds. Pending.
Dorr, Mary E., estate of. George W. Coleman, petitioner. Petition for appointment of trustee. Attorney-General assented to petition.
Echley, Frances Augusta, estate of. Francis R. Bangs, petitioner. Petition for appointment of trustee. Attorney-General assented to petition.
Foster, John McGaw, *et al. v.* Trustees of Donations, etc., *et al.* Petition for leave to sell real estate held in trust. Pending.

- French, Charles E., estate of. Otis Norcross *et al.*, executors. Petition for allowance of first and final account. Attorney-General waived right to be heard.
- Gardner, Ellen K., estate of. Herbert L. Boyer, trustee. Petition for instructions. Pending.
- Harvard College, President and Fellows of, *v.* Attorney-General. Petition for distribution of trust funds of estate of David A. Wells. Pending.
- Lawrence, Charles P., *et al. v.* Harvard Church Sunday-school Corporation. Petition for instructions. Attorney-General waived right to be heard.
- Mabie, William I., *et al. v.* Edwin S. Gardner and Attorney-General. Petition for instructions regarding a public charitable trust under will of Mary Redding. Pending.
- Messinger, George W., estate of. Robert M. Morse, trustee. Petition for allowance of first and final account. Attorney-General waived right to be heard.
- Old South Society in Boston *v.* Attorney-General. Petition for instructions. Attorney-General waived right to be heard.
- Pierce, Charles Wilder, estate of. Elizabeth Frances Pierce, trustee. Petition for instructions: doctrine of *cy-pres*. Pending.
- Potter, Sarah E., estate of. James R. Dunbar *et al.*, executors. Petition for instructions. Pending.
- Rhoads, Lyman F., estate of. Alfred S. Hall *et al.*, executors. Petition for instructions. Attorney-General waived right to be heard.
- Thompson, Thomas, estate of. Laurence Minot *et al.*, trustees. Petition for leave to lease real estate. Attorney-General assented to petition.
- Trafton, Israel S., estate of. George Code, petitioner. Petition for appointment of trustee. Attorney-General assented to petition.
- Walker, Henry A., estate of. Frederick W. Hamilton *et al.*, trustees. Petition for allowance of first account; also for appointment of trustee to fill vacancy. Attorney-General assented to petition.
- Williams, George H., and Irene, estates of. George W. Fowle *et al.*, trustees. Petition to terminate trust. Attorney-General assented to petition.

Worcester County.

- Burrage, Martha A., estate of. Oscar A. Taft, executor. Petition for instructions regarding a public charitable trust. Pending.
- Clarke, Josiah H., estate of. Francis A. Clarke *et al.*, executors. Petition for instructions regarding a public charitable trust. Pending.
- Drury, Franklin, estate of. Henry W. Carter *et al.*, petitioners. Petition to turn over trust fund to town of Warren to be held as under original trust. Pending.
- Foster, Richard W., estate of. Catherine E. Foster *et al.*, executors. Petition for instructions. Pending.
- Lincoln, Levi, estate of. American Antiquarian Society, petitioner. Petition for instructions. Attorney-General waived right to be heard.
- Pride, Caroline H., estate of. Leander Sprague, petitioner. Petition for instructions as to care of cemetery lot. Pending.

SUITS CONDUCTED BY THE ATTORNEY-GENERAL

IN BEHALF OF STATE BOARDS AND COMMISSIONS.

The following cases have been reported to this department by State boards and commissions, to be conducted by the Attorney-General, or under his direction, pursuant to the provisions of St. 1896, c. 490:—

1. METROPOLITAN PARK COMMISSION.

Petitions to the Superior Court for assessment of damages alleged to have been sustained by the taking of land by the said commission.

Middlesex County.

Lawrence, Samuel C., *v.* Commonwealth. Pending.

Suffolk County.

Proctor, George F., *v.* Commonwealth. Pending.

2. METROPOLITAN WATER AND SEWERAGE BOARD.

Petitions to the Supreme Judicial and Superior Courts for assessment of damages alleged to have been sustained by the taking of land, and rights and easements in land, by said Board.

Middlesex County.

Bullard, Joseph O., *et al. v.* Commonwealth. Trial.

Burns, John, *v.* Commonwealth. Settled.

Childs, Eliza M., *et al. v.* Commonwealth. Settled.

Daley, Patrick, *v.* Commonwealth. Settled.

Farr, Rebecca T., *v.* Commonwealth. Settled.

Gibbon, John, *v.* Commonwealth. Settled.

Gibbons, Annie L., *v.* Commonwealth. Settled.

Gibbons, Frances, *v.* Commonwealth. Settled.

Henry Wilson Co-operative Bank *v.* Commonwealth. Settled.

Hensby, Mary J., *v.* Commonwealth. Settled.

Keating, William E., *v.* Commonwealth. Settled.
Lewis, Millard E., *v.* Commonwealth. Settled.
Middlesex Fells Spring Company *v.* Commonwealth. Settled.
Pullen, Lillian F., *et al.* *v.* Commonwealth. Settled.
Sprague, William H., *v.* Commonwealth. Settled.

Worcester County.

Allen, Byron D., *v.* Commonwealth. Pending.
Allen, Byron D., *v.* Commonwealth. Pending.
Andrews, Henrietta M., *v.* Commonwealth. Settled.
Atherton, James H., *v.* Commonwealth. Settled.
Ball, Oliver M., administrator, *v.* Commonwealth. Pending.
Bancroft, William L., *v.* Commonwealth. Settled.
Barnes, Israel L., *et al.* *v.* Commonwealth. Settled.
Bartlett, Asenath M., *v.* Commonwealth. Pending.
Bigelow, James A., *v.* Commonwealth. Pending.
Bradley, Patrick, *v.* Commonwealth. Pending.
Brigham, William H., *v.* Commonwealth. Pending.
Burgess, Thomas H., *v.* Commonwealth. Pending.
Chase, George H., *v.* Commonwealth. Settled.
Cutting, Louis, administrator, *v.* Commonwealth. Pending.
Dix, J. Quincy, *v.* Commonwealth. Settled.
Farnsworth, John E., *v.* Commonwealth. Settled.
First Parish of Boylston *v.* Commonwealth. Settled.
Fitzgerald, John, *v.* Commonwealth. Pending.
Fuller, Willis A., *v.* Commonwealth. Pending.
Fyfe, Mary J., *v.* Commonwealth. Pending.
Fyfe, Mary J., executrix, *v.* Commonwealth. Pending.
Gray, Lizzie M., *v.* Commonwealth. Settled.
Haskell, William B., *v.* Commonwealth. Settled.
Hastings, George R., *v.* Commonwealth. Pending.
Hastings, Mary J., executrix, *v.* Commonwealth. Pending.
Hastings, Mary J., executrix, *v.* Commonwealth. Pending.
Hastings, William H., *v.* Commonwealth. Pending.
Haynes, Henry F., *v.* Commonwealth. Settled.
Haynes, Sarah C., *v.* Commonwealth. Settled.
Houghton, Robert C., *et al.* *v.* Commonwealth. Pending.
Houghton, Robert C., *et al.* *v.* Commonwealth. Pending.
Houghton, Robert C., *et al.* *v.* Commonwealth. Pending.
Hyde, Henry J., *v.* Commonwealth. Pending.
Johnston, Robert, *v.* Commonwealth. Pending.

Johnston, Robert, *v.* Commonwealth. Pending.
Joyce, Bridget M., *v.* Commonwealth. Pending.
Kendall, Everett, *et al.* *v.* Commonwealth. Pending.
Kendall, Sanford C., *v.* Commonwealth. Pending.
Keyes, Henry F., *v.* Commonwealth. Pending.
Kirby, Nellie M., *v.* Commonwealth. Pending.
Lamb, Aroline M., *v.* Commonwealth. Pending.
Landy, Chas. C., *v.* Commonwealth. Pending.
Longley, Olive E., executrix, *v.* Commonwealth. Pending.
Mann, Eben C., *v.* Commonwealth. Settled.
Nourse, Andrew L., *v.* Commonwealth. Settled.
O'Brien, John F., *v.* Commonwealth. Pending.
Ott, John S., *v.* Commonwealth. Pending.
Plummer, George M., *v.* Commonwealth. Pending.
Prescott, Martha E., *v.* Commonwealth. Settled.
Rosenthal, William C., *v.* Commonwealth. Settled.
Shattuck, George W., *v.* Commonwealth. Pending.
Stone, Henry B., *v.* Commonwealth. Settled.
Stone, Howard D., *v.* Commonwealth. Settled.
Stone, Howard D., *v.* Commonwealth. Settled.
Stone, John E., *v.* Commonwealth. Settled.
Taylor, Jennie W., administratrix, *v.* Commonwealth. Pending.
Tonry, Margaret F., *v.* Commonwealth. Settled.
Tyson, Caroline E., *v.* Commonwealth. Settled.
Welch, James E., *v.* Commonwealth. Pending.
Whiting, Alfred N., *v.* Commonwealth. Settled.
Willard, Luther, *v.* Commonwealth. Settled.
Wood, John H., *v.* Commonwealth. Pending.
Wood, J. Frank, *et als.* *v.* Commonwealth. Pending.
Wood, J. Frank, *et als.* *v.* Commonwealth. Pending.
Wood, Lucy A., *v.* Commonwealth. Pending.
Worcester, County Commissioners of, *v.* Commonwealth. Settled.
Worcester, County Commissioners of, *v.* Commonwealth. Settled.
Wright, Nahum W., executor, *v.* Commonwealth. Settled.

3. MASSACHUSETTS HIGHWAY COMMISSION.

Petitions to the Superior Court for a jury to assess damages alleged to have been sustained by the taking of land, or injury to land, by said commission. Under agreement with the Commonwealth most of these cases are defended by the various towns in which the land is situated.

Barnstable County.

Crowell, Thomas H., *v.* Commonwealth. Continued.

Berkshire County.

Coleman, Martin W., *v.* Commonwealth. Settled.

Bristol County.

Branco, Manuel J. de Silvia, *v.* Commonwealth. Settled.

Chase, Alice P., *v.* Commonwealth. Settled.

Cummings, Bertrand N., *v.* Commonwealth. Settled.

Dary, Everett T., *et al.* *v.* Commonwealth. Settled.

Lincoln, Benjamin A., *v.* Commonwealth. Pending.

Lincoln, Edward T., administrator, *v.* Commonwealth. Settled.

Norris, Joseph H., *v.* Commonwealth. Settled.

Paling, John E., *v.* Commonwealth. Settled.

Seabury, Phœbe W., *v.* Commonwealth. Pending.

Silvia, Joseph M., *v.* Commonwealth. Settled.

Talbot, Joseph, *v.* Commonwealth. Pending.

Thornley, Thomas B., *v.* Commonwealth. Settled.

Walker, Herbert N., administrator, *v.* Commonwealth. Settled.

Essex County.

Boston & Maine Railroad Company *v.* Commonwealth. Pending.

Foster, George W., *et als.* *v.* Commonwealth. Pending.

Graves, Isaiah, *et al.* *v.* Commonwealth. Pending.

Ireson, Ellen W., *et als.* *v.* Commonwealth. Pending.

Salem Savings Bank *v.* Commonwealth. Settled.

Middlesex County.

Barnes, George H., *v.* Commonwealth. Settled.

Barnes, William, 2d, *v.* Commonwealth. Settled.

Plymouth County.

Daly, Julia M., *v.* Commonwealth. Settled.

Worcester County.

Hill, Everett, *v.* Commonwealth. Pending.

Merriam, Harriet M., *v.* Commonwealth. Pending.

Sullivan, Kate, *v.* Commonwealth. Pending.

Warren, Alice E. M., *v.* Commonwealth. Pending.

4. BOARD OF HARBOR AND LAND COMMISSIONERS.

Petitions to the Superior Court for assessment of damages caused by the taking of land by said commissioners.

Suffolk County.

Butler, Philip H., *v.* Commonwealth. Pending.

Lamb, George, *et al. v.* Commonwealth. Pending.

Lamb, George, *et al. v.* Commonwealth. Pending.

5. CHARLES RIVER BASIN COMMISSIONERS.

Petitions to the Superior Court for assessment of damages caused by the taking of land by said commissioners.

Middlesex County.

Cohen, Isaac, *et al. v.* Commonwealth. Settled.

Proctor, George O., *v.* Commonwealth. Pending.

Ricker, Hazen E., *et als. v.* Commonwealth. Settled.

Suffolk County.

Abbott, Ellen M., *v.* Commonwealth. Pending.

Abbott, Katherine M., *v.* Commonwealth. Pending.

Allen, Henry F., *v.* Commonwealth. Pending.

Allen, Henry F., *v.* Commonwealth. Pending.

Apthorp, Octave L., *v.* Commonwealth. Pending.

Barstow, Catherine A., *v.* Commonwealth. Pending.

Bartlett, Schuyler S., *et al. v.* Commonwealth. Pending.

Beal, Elizabeth S., *v.* Commonwealth. Pending.

Beal, Thomas P., *et al., trustees. v.* Commonwealth. Pending.

Bowditch, Alfred, *et al., trustees. v.* Commonwealth. Pending.

Brown, Rebecca W., *et al. v.* Commonwealth. Pending.

Case, Laura L., *v.* Commonwealth. Pending.

Coolidge, Julia, *v.* Commonwealth. Pending.

Cotting, Charles E., *et al., trustees. v.* Commonwealth. Pending.

Edmands, Katherine B., *v.* Commonwealth. Pending.

Fields, Anna, *v.* Commonwealth. Pending.

Freeman, Caroline S., *v.* Commonwealth. Pending.

Goddard, George A., *v.* Commonwealth. Pending.

Hall, Harry S., *v.* Commonwealth. Pending.

Heaton, Robert C., *et al. v.* Commonwealth. Pending.

Higginson, Henry L., *et al. v.* Commonwealth. Pending.

Homans, Helen A., *v. Commonwealth*. Pending.
Home for Aged Women *v. Commonwealth*. Pending.
Hooper, James R., *v. Commonwealth*.
Hooper, Robert C., *et al. v. Commonwealth*. Pending.
Hopkins, Georgiana, *v. Commonwealth*. Pending.
Hunneman, Carleton, *v. Commonwealth*. Pending.
Hutchins, Edward W., *v. Commonwealth*. Pending.
Inches, Louise P., *v. Commonwealth*. Pending.
Jackson, Frances E., *v. Commonwealth*. Pending.
Jewell, Edward, *v. Commonwealth*. Pending.
Loring, Mary H., *et al.*, trustees, *v. Commonwealth*. Pending.
Mann, Jonathan H., *et al. v. Commonwealth*. Pending.
Massachusetts Charitable Eye and Ear Infirmary *v. Commonwealth*. Pending.
Massachusetts Charitable Eye and Ear Infirmary *v. Commonwealth*. Pending.
McClure, Maria M., *v. Commonwealth*.
Means, Helen G., *v. Commonwealth*. Pending.
Meyer, Heloise, *v. Commonwealth*.
Moseley, Helen C., *v. Commonwealth*. Pending.
Niles, Sarah F., *et al. v. Commonwealth*. Pending.
Paine, Robert Treat, trustee, *v. Commonwealth*. Pending.
Parker, George W., *et al. v. Commonwealth*. Pending.
Parkinson, John, *v. Commonwealth*. Pending.
Parkman, Henry, *et al. v. Commonwealth*. Pending.
Pierce, Katherine C., *v. Commonwealth*. Pending.
Pierce, Wallace L., *v. Commonwealth*. Pending.
Prince, Fannie L., *v. Commonwealth*. Pending.
Prince, Lillian C., *v. Commonwealth*. Pending.
Putnam, Harriet L., *v. Commonwealth*. Pending.
Richardson, Margaret W., *v. Commonwealth*. Pending.
Sears, Mary C., *v. Commonwealth*. Pending.
Sears, Richard D., *v. Commonwealth*. Pending.
Sears, Ruth W., *v. Commonwealth*. Pending.
Shattuck, Frederick C., *et al. v. Commonwealth*. Pending.
Shattuck, George B., *v. Commonwealth*. Pending.
Shaw, Francis, *v. Commonwealth*. Pending.
Skinner, Francis, *v. Commonwealth*. Pending.
Sleeper, Maria W., *v. Commonwealth*. Pending.
Stackpole, Martha P., *v. Commonwealth*. Pending.
Stanton, Esther H., *v. Commonwealth*. Pending.
Sullivan, Richard, *v. Commonwealth*. Pending.

Tarbell, Arthur P., *et al. v. Commonwealth.* Pending.

Taylor, Georgianna O., *v. Commonwealth.* Pending.

Taylor, Mary M., *v. Commonwealth.* Pending.

Ware, Mary L., *v. Commonwealth.* Pending.

Whitney, Christiana S., *et al. v. Commonwealth.* Pending.

Wigglesworth, George, *et al.*, trustees, *v. Commonwealth.* Pending.

Williams, John D., trustee, *v. Commonwealth.* Pending.

Williams, Ralph B., *v. Commonwealth.* Pending.

6. MT. TOM STATE RESERVATION.

Hampshire County.

Colton, George S., *v. Commonwealth.* Pending.

7. MISCELLANEOUS CASES FROM ABOVE COMMISSIONS.

Bristol County.

Chace, Charles A., trustee, *v. Commonwealth et als.* Action of tort for damages caused by defects in State highway. Pending.

Essex County.

Cilley, Orran G., *v. Cattle Bureau.* Petition to recover the value of cattle condemned by Cattle Bureau. Pending.

Middlesex County.

Austin, Eva A., *v. State Board of Charity.* Action of tort to recover damages caused by discharge of State ward afflicted with a contagious disease. Pending.

Austin, William E., *v. State Board of Charity.* Action of tort to recover damages caused by discharge of State ward afflicted with a contagious disease. Pending.

Newton Rubber Works *v. Wm. B. de las Casas et al.* Petition of International Automobile and Vehicle Tire Company to be made a party to decree entered against the Newton Rubber Works. Pending.

Norfolk County.

National Contracting Company *et al.*, *Commonwealth v.* Action of contract to recover on bond. Pending.

Suffolk County.

- American Bridge Company *v.* Commonwealth. Action of contract to recover for materials furnished in construction of park work. Pending.
- Atkins, Florence R., Commonwealth *v.* Bill in equity in regard to violation of building restrictions imposed by Metropolitan Park Commission. Pending.
- Bent, William H., *et al. v.* Henry W. Swift *et al.* Action of tort growing out of taking by Harbor and Land Commissioners of land and flats in South Bay. Pending.
- Davis, James A., *et al. v.* Commonwealth *et al.* Petition to recover for labor and materials used in construction of sewer. Pending.
- Doherty, James, *v.* Edward W. Everson *et al.* and Metropolitan Water and Sewerage Board. Action of tort. Damages caused by blasting. Pending.
- Doherty, James, *v.* Commonwealth. Petition for assessment of damages caused by blasting for metropolitan sewer. Pending.
- Doherty, Mary, *v.* Metropolitan Water and Sewerage Board *et al.* Action of tort. Damage caused by use of impure water furnished by defendant. Settled.
- Doherty, Mary E., *v.* Metropolitan Water and Sewerage Board *et al.* Action of tort. Damage caused by use of impure water furnished by the defendant. Settled.
- Duncan, Anna L., *v.* Metropolitan Water and Sewerage Board. Action of tort. Damages caused by impure water furnished by defendant. Pending.
- Eastman, Charles Albert, *v.* Board of Registration in Medicine. Bill in equity to enjoin Board from revoking certificate. Pending.
- Gibbons, William H., *v.* Commonwealth. Damage caused by blasting in construction of metropolitan sewer. Pending.
- Hersey, Albert A., *v.* Commonwealth *et als.* Bill in equity to recover for labor and materials furnished in construction of metropolitan sewer in Melrose. Pending.
- McArthur Brothers Company *v.* Commonwealth. Petition to recover on contract with the Metropolitan Water and Sewerage Board for construction of dam at Clinton. Pending.
- McGinniss, Margaret T., Commonwealth *v.* Bill in equity to re-

- strain defendant from encroaching on land of the Commonwealth. Pending.
- Metropolitan Contracting Company *v.* Commonwealth. Action of contract growing out of the construction of Saugus River bridge. Referred to auditor. Pending.
- Metropolitan Contracting Company *v.* Commonwealth. Action of contract growing out of the construction of Malden River bridge. Referred to auditor. Pending.
- Minon, Joseph, Henry H. Sprague *et als. v.* Information to restrain the defendant from boating on Lake Cochituate. Disposed of.
- Natick, Commonwealth *v.* To recover for use of water of Lake Cochituate. Pending.
- Newell, Emma G., *et al. v.* Edward W. Everson *et al.* Petition to recover for damages to property caused by the laying out of boulevard in Revere. Commonwealth has funds of contractor. Pending.
- Niland, Michael, *v.* Commonwealth. Petition for assessment of damages caused by blasting for metropolitan sewer. Pending.
- Niland, Michael, *v.* Edward W. Everson *et al.* and Metropolitan Water and Sewerage Board. Action of tort. Damages caused by blasting. Pending.
- Normile, Francis, *v.* Commonwealth of Massachusetts *et al.* Petition for a jury to assess damages caused by construction of sewer in Roxbury. Pending.
- Normile, Francis, *v.* Edward W. Everson & Co. and Henry H. Sprague *et al.* Action of tort.
- Old Colony Construction Company, Commonwealth *v.* Action of contract to recover on bond. Pending.
- Pacific Surety Company *v.* Commonwealth *et al.* (McBride & Co.). Petition to recover from McBride & Co. certain sums expended by petitioner. Pending.
- Raddin, Hiram A., *et al.,* Commonwealth *v.* Bill in equity in regard to violation of building restrictions imposed by Metropolitan Park Commission. Pending.
- Thomas, Lyman P., *v.* George M. Quirk *et al.* Action to recover for labor and materials furnished in construction of State highway. Pending.
- Urquhart, Carrie S., *v.* Metropolitan Water and Sewerage Board *et al.* Action of tort. Damage caused by impure water furnished by the defendant. Disposed of.

Urquhart, Edwin N., *v.* Metropolitan Water and Sewerage Board *et al.* Action of tort. Damage caused by use of impure water furnished by defendant. Disposed of.

Urquhart, N. Jefferson, *v.* Metropolitan Water and Sewerage Board *et al.* Action of tort. Damage caused by impure water furnished by the defendant. Disposed of.

Williams, Frank, *v.* Commonwealth. Claim for damages for interference with carrying out of contract. Pending.

Worcester County.

Walls, C. W., *v.* Commonwealth. Petition to recover for work performed on Worcester Insane Hospital. Settled.

8. STATE BOARD OF CHARITY.

Actions of contract pending in the Superior Court to recover charges for the support of insane paupers in State insane hospitals, under the provisions of R. L., c. 87.

Essex County.

Chapin, Treasurer, *v.* Caroline D. Tarr. Discontinued.

Middlesex County.

Commonwealth *v.* Wayland. Settled.

Suffolk County.

Bradford, Treasurer, *v.* Winchester. Pending.

Bradford, Treasurer, *v.* Waltham. Pending.

Bradford, Treasurer, *v.* Waltham. Pending.

Chapin, Treasurer, *v.* Boston. Settled.

Chapin, Treasurer, *v.* Greenfield. Settled.

Chapin, Treasurer, *v.* Kelly. Settled.

Chapin, Treasurer, *v.* Lowell. Settled.

Chapin, Treasurer, *v.* McCurdy. Settled.

Chapin, Treasurer, *v.* McGonagle. Pending.

Chapin, Treasurer, *v.* Quincy. Settled.

Chapin, Treasurer, *v.* Somerville, City of. Settled.

Chapin, Treasurer, *v.* Weymouth. Settled.

Chapin, Treasurer, *v.* Woodward. Settled.

Commonwealth *v.* Cambridge. Settled.

Chapin, Treasurer, *v.* Woburn. Pending.

Chapin, Treasurer, *v.* Winchester. Pending.

Phillips, Treasurer, *v.* Worcester. Pending.

MISCELLANEOUS CASES.

- American Birth Insurance Company, Attorney-General *ex rel. v.* Petition for appointment of receiver. F. W. Dallinger appointed receiver.
- American Credit Indemnity Company, Attorney-General *ex rel. v.* Violation of St. 1907, c. 576. Decree.
- American Glue Company *v.* Commonwealth. Petition to recover tax alleged to have been unlawfully assessed. Rescript of full court.
- American Insurance Company, Insurance Commissioner *v.* Petition for injunction and receiver. Injunction issued. Pending.
- American Legion of Honor, Supreme Council, Attorney-General *ex rel. v.* Petition for injunction and receiver under R. L., c. 119. Henry A. Wyman appointed receiver. Pending.
- American Soda Fountain Company, Attorney-General *ex rel. v.* Dumping material into tide water. Pending.
- American Writing Paper Company *et al.*, Attorney-General *v.* Petition for an injunction to restrain respondents from dumping material into tide water. Discontinued as to American Writing Paper Company. Pending.
- Atlas Mutual Insurance Company, Frederick L. Cutting, Insurance Commissioner, *v.* Petition for injunction and receiver. Franklin T. Hammond appointed receiver. Pending.
- Baldwin, Walter H., *et al.*, Commonwealth *v.* Bill in equity in regard to building in violation of restrictions imposed by Metropolitan Park Commission. Pending.
- Barker, Annie E., Bradford, Treasurer, *v.* Claim for tide water displaced in Boston harbor. Pending.
- Barker, Forrest E., *et al. v.* Haverhill Gas Light Company. Petition for injunction to restrain company from business until compliance with order of Gas Commission. Pending.
- Bent, Herbert A., deputy game commissioner, *v.* Game. Libel for forfeiture of game seized by Fish and Game Commissioners. Decree.

- Binney, Henry P., *v.* Commonwealth. Damages caused by change of grade of Mt. Vernon Street. Pending.
- Blake, Martha L., *v.* Commonwealth. Petition to Superior Court for damages caused by lowering the grade of Bowdoin Street. Pending.
- Boston *v.* Commonwealth. Sewer assessment on Rutherford Avenue, Charlestown. Pending.
- Boston & Albany Railroad Company, petitioners. Petition to take land in Natick for additional tracks. Pending.
- Boston & Gloucester Steamboat Company *v.* Commonwealth. Petition to recover taxes paid Commonwealth, alleged to be wrongfully assessed. Rescript of full court.
- Boston & Gloucester Steamship Company *v.* Commonwealth. Petition to recover 1906 corporation tax claimed to have been illegally assessed, and paid under protest. Decree.
- Boston & Northern Street Railway Company. Claim for amount expended in relaying water pipes in Washington Street, Lynn, destroyed by electric currents. Pending.
- Boston Casualty Company, Attorney-General *ex rel. v.* Petition for injunction and appointment of a receiver. N. L. Sheldon appointed receiver. Pending.
- Boston Elevated Railway Company *v.* Treasurer and Receiver-General. Petition to recover bonds deposited under St. 1894, c. 548. Pending.
- Boston Elevated Railway Company *v.* Commonwealth. Petition to recover tax paid to Commonwealth under protest. Pending.
- Boston Junk Collectors Association, Incorporated, Attorney-General *ex rel. v.* Information for failure to comply with R. L., c. 119, § 14. Enjoined.
- Boston Society of New Jerusalem *v.* Commonwealth. Pending.
- Boston Yacht Club, petitioner. Petition to the Court of Land Registration to register the title to land in Marblehead. Decree.
- Bourne, Orrin C., deputy game commissioner, *v.* Game. Libel for forfeiture of game seized by Fish and Game Commissioners. Decree.
- Boyle, John, *v.* Hollis M. Blackstone, Superintendent State Farm. Action of contract for labor performed by plaintiff while an inmate of the State Farm. Pending.
- Brennan, James M., *v.* Charles E. Woodbury, Superintendent. Action of tort for personal injuries. Pending.

- Bryne, Andrew W., *et als. v. Commonwealth et al.* Petition to recover money in hands of Commonwealth. Pending.
- Burr, Arthur E., trustee in bankruptcy, *v. Massachusetts School for the Feeble-minded.* Action of contract. Pending.
- Burr, Arthur E., trustee. *v. Commonwealth.* Action to recover money held by Commonwealth, and belonging to H. P. Cummings Company. Pending.
- Chapin, Arthur B., Treasurer and Receiver-General, *v. William W. Risk.* Appeal from decree of Probate Court. Decree.
- Cheney, Ansel J., *v. James O'Doherty.* Bill in equity to enjoin respondent for violation of building laws in construction of schoolhouse in Haverhill. Pending.
- Cheney, Fred A., *et al.*, Aldermen of Chelsea, *v. Forrest E. Barker et al.*, Board of Gas and Electric Light Commissioners. Petition for writ of *certiorari*. Pending.
- Collins, Joseph W., *et al. v. James B. Hamblin.* Petition to require the respondent to construct a fishway in dam on Acushnet River. Pending.
- Colonial Life Association, Attorney-General *v.* Petition for injunction and appointment of a receiver. Henry A. Wyman appointed receiver. Pending.
- Columbian National Life Insurance Company *v. Commonwealth.* Petitions for abatement of franchise tax paid in 1903, 1904, 1905 and 1906. Pending.
- Commonwealth of Massachusetts *v. City of Boston et als.* Superior Court, Suffolk County. Settled.
- Commonwealth *v. City of Worcester.* To recover for land taken from the Commonwealth. Pending.
- Commonwealth *v. Everett W. Raddin.* Revere Beach restrictions. Pending.
- Connecticut Valley Street Railway Company, McClintock, William E., *et al. v.* Petition for writ to compel obedience with order of Massachusetts Highway Commission. Pending.
- Cotting, Charles E., *et al.*, trustees of Boston Real Estate Trust, *v. Commonwealth.* Petition to recover money paid as betterments on land sold by Commonwealth. Pending.
- Cotting, Charles E., *et al. v. Commonwealth.* Petition to recover sewer assessment. Pending.
- Crean, William, *v. Commonwealth.* Writ of error, alleged unlawful sentence by Supreme Court. Plaintiff in error nonsuited.
- Cushing, Lawrence B., *et al. v. Commonwealth.* Petition to Su-

perior Court for damages caused by widening Bowdoin Street. Pending.

Eagle Life Association, Attorney-General *ex rel. v.* Petition for an injunction and the appointment of a receiver. Injunction issued, and Alfred F. Lilley, Esq., appointed receiver. Pending.

East Boston Company, petitioner, *v.* Commonwealth. Appeal from decree of Court of Land Registration. Pending.

East Boston Company, petitioner. Petition to Court of Land Registration for registration of title to petitioner's land. Pending.

Ellis, George H., Attorney-General *ex rel.* Harbor and Land Commissioners *v.* Information in the Supreme Judicial Court for Middlesex County to protect the waters of a great pond under St. 1888, c. 318. Pending.

Family Protective Union, Attorney-General *ex rel. v.* Petition for injunction and appointment of receiver. Injunction issued, and Albert H. Chamberlain appointed receiver. Pending.

Firemen's Fire Insurance Company, Insurance Commissioner *v.* Petition to the Supreme Judicial Court for Suffolk County for an injunction to restrain the defendant from removing its books and papers from the Commonwealth, and the appointment of a receiver to recover its capital stock distributed without authority of law. Injunction issued. Defendant recovered its capital stock and deposited it with the International Trust Company, as trustee. Pending.

Fottler, Lucy Ann, *et al. v.* Commonwealth. Petition to Superior Court for damages caused by lowering grade of Bowdoin Street. Pending.

George H. Sampson Company *v.* Commonwealth *et als.* Bill of complaint. Pending.

George H. Sampson Company *v.* Commonwealth and William H. Mague. Settled.

George H. Wood Company, Attorney-General *v.* Petition for an injunction to restrain respondent from dumping material into tide water. Pending.

Globe Investment Company, Savings Bank Commissioners *v.* Petition to the Supreme Judicial Court for Suffolk County, under St. 1888, c. 387, for an injunction and the appointment of a receiver. Injunction granted, and Henry A. Wyman appointed receiver. Pending.

Golden Rule Alliance, Attorney-General *ex rel. v.* Petition for

- an injunction and the appointment of a receiver. Injunction issued, and William H. Preble appointed receiver. Pending.
- Guardian Life Insurance Company, Insurance Commissioner *v.* Petition to the Supreme Judicial Court for Suffolk County for an injunction and the appointment of a receiver. Injunction issued, and Frank D. Allen, Esq., appointed receiver. Pending.
- Hadley Water Supply District, Commonwealth *v.* Taking of land of the Commonwealth at Hadley. Settled.
- Hamlin, Huybertie Prun, petitioner. Petition to the Court of Land Registration to register the title to land in Mattapoisett. Disposed of.
- Hampden Trust Company, Commonwealth of Massachusetts *v.* Petition for injunction and receiver. Injunction issued, and Wm. W. McClench and Henry H. Bosworth made permanent receivers. Pending.
- Hampshire Savings Bank, Savings Bank Commissioners *v.* Petition to the Supreme Judicial Court for Suffolk County for an injunction and the appointment of a receiver. Injunction issued, and Richard W. Irwin, Esq., and Benjamin E. Cook, Esq., appointed receivers. Pending.
- Hanover Bank, Commissioners of Savings Banks *v.* Petition for injunction and receiver. C. C. Barton, Jr., appointed receiver.
- Hanson & Parker, Limited, *v.* Commonwealth. Petition to recover from Commonwealth amount of tax alleged to be unlawfully assessed. Pending.
- Hanson, Lydia W., *v.* Commonwealth. Petition for damages caused by lowering grade of Bowdoin Street. Pending.
- Haverhill Gas Light Company *v.* Gas and Electric Light Commissioners *et al.* Bill in equity in the Circuit Court of the United States to restrain the Board from carrying out an order to decrease the price of gas in Haverhill. Pending.
- Healey, J. Edward, *v.* Commonwealth. Petition under statute to recover money due plaintiff. Settled.
- Hersey, Albert A., *v.* Commonwealth *et al.* Bill to restrain Commonwealth from paying out money in its hands for construction of north metropolitan sewer system. Pending.
- Hogan, James, *v.* Commonwealth. Petition to recover for materials furnished to contractor in construction of boulevard in Quincy. Pending.

- Industrial Casualty Company, Attorney-General *ex rel. v.* Petition for injunction and receiver. Jeremiah Smith, Jr., appointed receiver. Pending.
- International Automobile and Vehicle Tire Company *v.* Commonwealth. Petition for damages to petitioner's property caused by change of east branch of Charles River by Park Commission. Pending.
- Interstate Consolidated Street Railway Company *v.* Commonwealth. Petition for writ of error. Mandate of Supreme Court of United States.
- Kennedy, George C., *et al.*, Bradford, Treasurer, *v.* Claim for tide-water displacement. Pending.
- Knights of Justice, Order of, Insurance Commissioner *v.* Failure to make annual report to Insurance Commissioner required by St. 1899, c. 442, § 19. Pending.
- LaMoss, Ervin, *v.* Commonwealth. Petition to Superior Court for a jury to assess damages sustained to property on Bowdoin Street caused by lowering of the grade of Bowdoin Street. Pending.
- Lunt, William F., *v.* Commonwealth. Damages to horse on State highway. Pending.
- Lyons, Walter S., *v.* Commonwealth. Bill of complaint to recover for work done on Foxborough State Hospital from funds held by the Commonwealth. Pending.
- Massachusetts Masonic Life Association, Attorney-General *ex rel.* Insurance Commissioner *v.* Petition to the Supreme Judicial Court for Suffolk County for an injunction and a receiver under St. 1896, c. 515, § 6. Injunction issued, and Jonathan Barnes, Esq., of Springfield, appointed receiver. Pending.
- McQuesten, George, petitioner. Petition to the Court of Land Registration to register title to land in Marblehead. Pending.
- Melrose Mutual Fire Insurance Company, Insurance Commissioner *v.* Petition to the Supreme Judicial Court for Suffolk County for an injunction and the appointment of a receiver. Injunction issued, and Alpheus Sanford, Esq., appointed receiver. Pending.
- Metropolitan Life Insurance Company *v.* Commonwealth. Petition to recover taxes alleged to have been illegally assessed. Pending.
- Moneyweight Scale Company *v.* Daniel C. Palmer *et al.* Bill

- to restrain defendants from condemning scales under St. 1907, c. 534. Disposed of.
- Morgan, Daniel H. Violation of R. L., c. 121, § 26, in using streets of Springfield for transmission of electricity without the consent of the city. Disposed of.
- Mulhern, Daniel. Petition of Attorney-General to withdraw money deposited in East Cambridge Savings Bank for benefit of Daniel Mulhern. Decree.
- Murphy, William J. B., *v.* Commonwealth. Petition to recover for services rendered while in the employ of the Census Bureau. Disposed of.
- Mutual Benefit Life Insurance Company *v.* Frank H. Hardison, Insurance Commissioner. Petition for review under St. 1907, c. 576, § 75.
- Mystic Wharf and Storage Company, Attorney-General *v.* Petition for an injunction to restrain respondent from dumping material into tide water. Settled.
- National Assurance Company of Ireland *v.* Commonwealth. Bill to terminate trust. Settled.
- National Contracting Company *v.* Commonwealth. Petition to recover under R. L., c. 201. Pending.
- New England & Savannah Steamship Company *v.* Commonwealth. Bill in equity to recover amount of corporation tax paid under protest. Rescript of full court.
- New England & Savannah Steamship Company *v.* Commonwealth. Petition to recover corporation tax, paid under protest. Decree.
- New England Commercial Travelers Association, Attorney-General *ex rel.* *v.* Petition for injunction and appointment of a receiver. Injunction issued, and Guy Murchie appointed receiver.
- New England Maple Syrup Company *v.* Henry P. Walcott *et als.* Bill in equity for an injunction. Pending.
- New York, New Haven & Hartford Railroad Company, Attorney-General *v.* Pending.
- New York, New Haven & Hartford Railroad Company, Attorney-General *ex rel.* Commissioner of Corporations *v.* Pending.
- Northern Mutual Relief Association, Attorney-General *ex rel.* Insurance Commissioner *v.* Petition to the Supreme Judicial Court for Suffolk County for an injunction and the appointment of a receiver. Injunction granted, and Samuel H. Hudson of Boston appointed receiver. Pending.

Peterson, Joseph N., *et al.*, Armory Commissioners, *v.* John Meaney *et al.* Pending.

Porter, Rose M., *v.* Frank H. Hardison. Action of tort. Pending.

Preferred Mercantile Company, The, Commonwealth *v.* Petition for appointment of a receiver. Burton P. Gray appointed receiver. Pending.

Provident Securities and Banking Company, Commissioners of Savings Banks *v.* Petition for appointment of receiver under St. 1902, c. 463. Alfred S. Hall and Charles F. Weed appointed custodians of property of the corporation.

Raboin, Israel, executor, *v.* Louis Raboin, Jr., *et al.* Appeal from decree of Probate Court, allowing will of Louis Raboin, Sr. Pending.

Russo, Michele, *v.* Arthur B. Chapin, Treasurer and Receiver-General. Petition to cancel bond given under St. 1905, c. 428. Rescript of full court.

Sargent, Clara J., *v.* State Board of Lunacy and Charity. Superior Court, Essex County. Appeal on a complaint charging neglect of children under St. 1882, c. 181. Pending.

Seabury, George T. Claim for damage to State highway, caused by breaking of mill dam at South Yarmouth. Pending.

Snow, Frank E., *v.* Elbridge J. Whitaker. Bill in equity. Pending.

South Shore Masonic Mutual Relief Association of Massachusetts, Insurance Commissioner *v.* Petition to the Supreme Judicial Court for Suffolk County, under St. 1895, c. 340, for an injunction and the appointment of a receiver. Injunction issued, and J. H. Flint appointed receiver. Pending.

Strauss, Abe, *v.* Commonwealth. Petition for writ of error from United States Supreme Court. Mandate of Supreme Court of United States.

Strout, Edward E., *et al.*, trustees of Little Nahant Land Company, *v.* Albert E. Turner *et al.* Petition to the Court of Land Registration to register the title to land in Nahant. Pending.

Sun Indemnity Assurance Society, Attorney-General *v.* Petition for an injunction and the appointment of a receiver. Injunction issued, and Prescott Keyes, Esq., appointed receiver. Pending.

Supreme Council of United Fellowship, Insurance Commissioner *v.* Petition to the Supreme Judicial Court for Suffolk County.

- folk County, under St. 1895, c. 340, for an injunction and the appointment of a receiver. Injunction issued, and Oscar Storer, Esq., of Boston, appointed receiver. Pending.
- Taunton Safe Deposit and Trust Company, Commonwealth of Massachusetts *v.* Petition for injunction and appointment of receiver. Frederick S. Hall appointed receiver.
- Templeton Street Railway Company, Massachusetts Highway Commission *v.* Petition in equity to compel compliance with orders of board changing location of tracks of said company. Disposed of.
- Titcomb, George H., *v.* Cape Cod Ship Canal Company, George A. Marden, Treasurer, *et al.* Petition for injunction to restrain the Treasurer of the Commonwealth from the payment of money under St. 1883, c. 259, and St. 1891, c. 397. Pending.
- Tufts, Nathan, *et al.*, Bradford, Treasurer, *v.* Claim for tide water displaced in the Mystic River. Pending.
- United Brotherhood, Independent Order of Worcester, Incorporated, Attorney-General *ex rel.* *v.* Petition for injunction and the appointment of a receiver. Injunction issued and Simon G. Friedman appointed receiver. Pending.
- Union Health and Accident Company, Attorney-General *ex rel.* *v.* Petition for injunction and appointment of a receiver under R. L., c. 120. Wilfred Bolster appointed receiver. Pending.
- Union Trust Company, Commonwealth of Massachusetts *v.* Petition for injunction and receiver. Charles F. Choate, Jr., and Samuel W. McCall appointed receivers. Pending.
- Wardwell, Walter C., Mayor of Cambridge, *v.* James F. Jackson *et al.*, Railroad Commissioners. Bill in equity. Pending.
- Wardwell, Walter C., Mayor of Cambridge, *v.* James F. Jackson *et al.*, Railroad Commissioners. Writ of prohibition, subway stations. Pending.
- Webster & Dudley Street Railway Company, Attorney-General *v.* Pending.
- Welch, William J., *v.* Hosea M. Quinby, superintendent. Action of tort. Pending.
- Weld, Charles G., *v.* Board of Gas and Electric Light Commissioners. Petition for writ of *certiorari* to require said board to certify its record to the Supreme Judicial Court. Pending.

- Wenham Mutual Benefit Association, Attorney-General *ex rel. v.*
Information for failure to comply with R. L., c. 119, § 14.
Pending.
- Westborough Insane Hospital, Trustees of, *v.* Daniel A. Dorey
et al. Petition to recover for breach of contract. Pending.
- Whitaker, Elbridge J., *v.* Frank E. Snow. Bill in equity.
Pending.
- Willey Casualty Company, Attorney-General *ex rel.* Insurance
Commissioner *v.* Petition to the Supreme Judicial Court
for Suffolk County for an injunction and the appointment
of a receiver. Injunction granted, and Archie N. Frost,
Esq., of Lawrence, appointed receiver. Pending.
- Willard, Joseph, *et al.*, trustees, Commonwealth *v.* Gas and Elec-
tric Light Commissioners' tax for 1905. Settled.
- Worcester & Webster Street Railway Company, Attorney-Gen-
eral *v.* Pending.

COLLECTIONS.

Collections have been made by this department as follows:—

Corporation taxes for the year 1906, overdue and referred by the Treasurer of the Commonwealth to the Attorney- General for collection,		\$85,117 39
Interest,		1,076 11
Costs,		1,485 22
Miscellaneous,		32,962 35
Total,		\$120,641 07

The following table shows a detailed statement of the same:—

	Collected on Account of Corporation Tax for 1906.	Interest.	Totals.
A. B. & E. L. Shaw Company, . .	\$789 51	\$10 15	\$799 66
A. H. Demond Company, . .	50 40	25	50 65
A. P. Nardini Company, . .	84 35	2 61	86 96
Airedale Mills Company, . .	1,340 84	12 51	1,353 35
Albert Champion Company, . .	84 35	84	85 19
Albert Russell & Sons Company, .	45 45	27	45 72
Aldis Owen Hall's System of Busi- ness Enterprise, Incorporated, .	8 68	06	8 74
Alley & Emery, Incorporated, . .	585 38	16 97	602 35
Ambler & Hobart Company, . .	443 03	24 36	467 39
American Electric Sign Com- pany,	10 12	10	10 22
American Fuel Saving Company, .	86 88	60	87 48
American Glue Company, . .	11,535 62	103 82	11,639 44
American Lock Nut Company, . .	19 43	—	19 43
American Mosaic Company, . .	9 61	08	9 69
Arthur C. Harvey Company, . .	1,341 16	8 04	1,349 20
Asa R. Minard & Co., Incorpo- rated,	42 51	1 48	43 99
Atlantic Tea Company,	75 91	73	76 64
Atlas Fiber Company,	186 59	2 18	188 77
Austin Ford & Son Company, . .	92 78	—	92 78
Bacon & Donovan Engine Com- pany,	—	95	190 73
Barker Lumber Company, . . .	285 10	1 53	286 63

	Collected on Account of Corporation Tax for 1906.	Interest.	Totals.
Barnett Drop Forging Company,	\$220 99	\$1 23	\$222 22
Bay State Improved Box Com- pany,	167 01	90	167 91
Beacon Loan Company, . . .	41 93	1 39	43 32
Belmont Coal Company, . . .	101 22	3 44	104 66
Bentley Optical Company, . .	10 79	—	10 79
Beverly Chemical and Supply Company,	10 32	05	10 37
Blair Light Company,	259 89	13 77	273 66
Blake, Scott & Lee Company, .	236 65	1 18	237 83
Bond & Bond Company, . . .	143 39	1 29	144 68
Boston Book Company,	1,265 25	22 77	1,288 02
Boston Cycle and Sundry Com- pany,	506 10	2 60	508 70
Boston Elevated Railway Com- pany,	3,316 09	93 94	3,410 03
Boston Leather Trimming Com- pany,	15 18	15	15 33
Boston Mirror Company, . . .	89 41	2 56	91 97
Boston Wire and Art Metal Com- pany,	29 52	—	29 52
Breck Rubber Company,	67 48	60	68 08
Brockton Beef Company, . . .	50 61	50	51 11
Builder's Iron and Steel Company,	52 29	26	52 55
Butman & Cressey Company, . .	208 78	2 00	210 78
Button Lumber Company, . . .	13 15	06	13 21
C. C. Harvey Company,	1,155 29	10 97	1,166 26
C. E. Woodward Company, Incor- porated,	195 69	2 15	197 84
Charles A. Hall Company, . . .	16 19	—	16 19
Charles F. Mulliken Oil Company,	16 19	14	16 33
Charles J. Jacobs Company, . .	84 35	4 04	88 39
Child Acme Cutter and Press Com- pany,	126 52	5 95	132 47
Citizens Loan Association, . . .	312 09	3 36	315 45
Clapp & Abercrombie Company, .	45 46	45	45 91
Clark Publishing Company, . . .	87 92	3 07	90 99
Clifford Barber Supplies Com- pany,	10 12	47	10 59
Cluett, Peabody & Co., Incorpo- rated,	820 53	8 20	828 73
Cobb Eastman Company,	1,075 46	8 00	1,083 46
Coffin Valve Company,	471 51	2 20	473 71
Corporation Security Company, .	42 17	1 31	43 48
Crawford Printing Company, . .	5 22	03	5 25
Credit Mens Agency, Incorpo- rated,	103 24	3 61	106 85
Crown Dyeing Company,	230 27	2 30	232 57
Cumberland Dock and Storage Company,	43 52	1 30	44 82

	Collected on Account of Corporation Tax for 1906.	Interest.	Totals.
Curtis & Moore Company, . . .	\$460 41	\$20 25	\$480 66
D. F. O'Connell Company, . . .	289 40	3 95	293 35
D. H. Eames Company, . . .	421 75	1 75	423 50
D. W. Hunt Company, Incorporated, . . .	84 35	3 40	87 75
Devonshire Carpet Cleaning Company, . . .	12 48	07	12 55
Dill Cattle Company, . . .	240 00	6 72	246 72
Dillon Machine Company, . . .	548 27	5 48	553 75
Dunton Printing Company, . . .	91 51	73	92 24
E. A. Hale Company, . . .	168 70	8 09	176 79
E. J. Salisbury Company, . . .	113 02	3 84	116 86
E. L. Blake Company, . . .	8 09	08	8 17
E. L. M. Auto Company, . . .	16 02	16	16 18
Eastern Furniture Company, . . .	42 51	—	42 51
Eastern Grocery Company, . . .	134 55	65	135 20
Edwin Hawes Company, . . .	134 96	84	135 80
Empire Express Company, . . .	14 17	49	14 66
Essex Supply Company, . . .	168 70	84	169 54
Excelsior Laundry Company, . . .	253 05	6 83	259 88
F. A. Clark Company, . . .	101 22	4 75	105 97
F. C. Maude Company, . . .	253 05	11 00	264 05
F. S. McDermott Company, . . .	50 61	25	50 86
Family Grocery Company, . . .	50 61	25	50 86
Fashion Stores Company, . . .	90 44	4 88	95 32
Federal Metallic Packing Company, . . .	78 44	3 40	81 84
Fellner Company, . . .	84 50	—	84 50
Ferris Wheel Amusement Company, Incorporated, . . .	16 87	56	17 43
Figaret Chemical Company, . . .	30 36	19	30 35
Foreign Language Press Company, . . .	227 74	7 97	235 71
Frank A. Andrews Company, . . .	129 56	4 14	133 70
Fred S. & A. D. Gore Corporation, . . .	84 35	93	85 28
Frye & Crawford Drug Company, . . .	30 36	15	30 51
G. F. Frost Coal Company, . . .	214 18	2 14	216 32
Gardner Gas, Fuel and Light Company, . . .	48 33	47	48 80
Gardner, Westminster & Fitchburg Street Railway Company, . . .	291 00	—	291 00
Geddis Remedy Company, . . .	33 74	33	34 07
General DeGreasing Company, . . .	69 16	3 04	72 20
George Couzoules Ticket Company, Incorporated, . . .	10 12	—	10 12
George L. Belledeu Company, . . .	17 88	17	18 05
Georgetown Gas Company, . . .	101 22	1 69	102 91
George W. Carr Company, . . .	369 45	1 85	371 30
German & Bohemian Co-operative Association, . . .	26 99	—	26 99
Globe Gas Light Company, . . .	126 52	63	127 15

	Collected on Account of Corporation Tax for 1906.	Interest.	Totals.
Green Mountain Lumber Com- pany,	\$216 56	\$2 05	\$218 61
Greendale Gas Engine Company,	105 43	50	105 93
Greenfield Recorder Company,	34 58	17	34 75
Grout Brothers Automobile Com- pany,	413 31	2 21	415 52
Grueby Faience Company,	295 03	10 04	305 07
H. H. Tilton Fireworks Company,	161 95	5 51	167 46
H. M. Kinports Company,	80 97	3 80	84 77
Hackett Brothers Company,	126 52	1 45	127 97
Hampden Creamery Company,	102 90	82	103 72
Harrison Brother Company,	311 62	2 80	314 42
Henderson Dairy Company,	9 70	—	9 70
Henry Siegel Company,	12,652 50	113 87	12,766 37
Hibbard & Mason, Incorporated,	94 13	56	94 69
Highland Foundry Company,	189 78	1 74	191 52
Hill Amusement Company, Incor- porated,	25 32	24	25 56
Hodgdon Brass Works,	102 99	51	103 50
Houghton Manufacturing Com- pany,	104 59	—	104 59
Hoyle Lumbering Company,	20 24	18	20 42
I. W. Black Piano Company,	12 70	55	13 25
Imperial Supply Company,	101 22	—	101 22
Independent and Auxiliary Gas Company,	6 54	45	6 99
Intaglio Plate Company,	59 04	7 38	66 42
International Fibre Company,	1,137 03	17 05	1,154 08
J. A. Cummings Printing Com- pany,	84 35	42	84 77
J. F. Gearan Drug Company,	42 17	1 25	43 42
J. D. Jewett Company,	253 05	3 04	256 09
J. H. Costello Company,	106 28	3 93	110 21
J. H. Williams Wall Paper Com- pany,	84 35	69	85 04
J. M. Howard & Son Company,	71 27	2 00	73 27
J. M. Murray & Co., Incorporated,	20 24	20	20 44
J. Maro Harriman Drug Company,	84 35	42	84 77
J. R. Downing Company,	59 04	—	59 04
J. R. Qualey Granite Company,	80 97	2 20	83 17
J. W. Jordan Company,	64 52	65	65 17
James G. Tarr & Brother Corpo- ration,	150 14	2 00	152 14
James H. Brown Company,	29 35	91	30 26
John C. DeLaney Moulding Com- pany,	151 83	1 42	153 25
John Cavanagh & Son Building Moving Company,	253 05	2 02	255 07
John P. Cullen Company,	45 54	27	45 81
John W. Cauley Company,	16 87	13	17 00

	Collected on Account of Corporation Tax for 1906.	Interest.	Totals.
Jordan & Bradley, Incorporated,	\$16 87	\$0 15	\$17 02
Joseph Bentley Hair Company, .	180 50	90	181 40
Joseph Ross Corporation, . .	320 53	2 88	323 41
Kaplan & Finkbeiner, . . .	12 50	12	12 62
Keniston Engineering Company,	84 35	75	85 10
Klein's Pharmacy,	421 75	3 86	425 61
Kneil Coal Company,	168 70	1 68	170 38
Knowlton Packing Company, .	134 96	1 03	135 99
Knox Automobile Company, .	1,649 88	15 12	1,665 00
L. L. Rounsville Company, .	59 12	29	59 41
LaJustice Publishing Company, Incorporated,	84 35	3 04	87 39
Lake Maranacook Hotel, Cottage and Camp Company, . . .	4 00	-	4 00
Lakeview Press,	101 40	1 00	102 40
Lang & Jacobs Company, . .	84 35	84	85 19
Lawrence Machine Company, .	217 57	1 30	218 87
LeBaron Foundry Company, .	228 16	1 81	229 97
Leo E. Bova Company, . . .	86 88	4 34	91 22
Lewis J. Bird Company, . . .	42 17	23	42 40
Lewis Thomas Company, . . .	56 68	1 53	58 21
Lewis Shoe Company,	124 83	74	125 57
Lubron Manufacturing Company, Incorporated,	48 04	55	48 59
M. & M. Manufacturing Com- pany,	25 30	25	25 55
M. H. Brigham,	52 29	54	52 83
Malden Drug Company, . . .	27 66	94	28 60
Manufacturers Bottle Company,	51 62	49	52 11
Marlboro-Hudson Gas Company,	826 96	-	826 96
Marshall Electric Manufacturing Company,	624 19	16 88	641 07
Marxe & Hull, Incorporated, .	73 40	41	73 81
Mason Cigar Company, . . .	126 52	69	127 21
Massachusetts Acetylene Con- struction Company,	25 30	76	26 06
Massachusetts Builders Finish Company,	118 09	4 01	122 10
Massachusetts Merchandise Com- pany,	21 50	10	21 60
Massachusetts Tale Company, .	374 17	12 48	386 65
Mellish & Byfield Company, In- corporated,	447 05	10 33	457 38
Menashi Khoury Company, . .	134 92	1 47	136 39
Messenger Printing and Publish- ing Company,	32 66	30	32 96
Metropolitan Wood Company, In- corporated,	31 37	1 06	32 43
Model Laundering Company, .	100 00	7 90	107 90
Moss Florist Company,	42 18	-	42 18

	Collected on Account of Corporation Tax for 1906.	Interest.	Totals.
Munkley & Co., Incorporated, .	\$94 05	\$2 82	\$96 87
N. Richardson Sons Manufactur- ing Company,	169 54	1 69	171 23
Napier Motor Company of Amer- ica,	3,384 12	38 35	3,422 47
National Press Bureau, Incorpo- rated,	33 74	87	34 61
New Can Company,	50 61	25	50 86
New England Cloak and Suit Com- pany,	12 65	10	12 75
New England Furniture Manu- facturing Company,	32 39	1 97	34 36
New England Motor Company, .	84 35	2 83	87 18
New England Steel Casting Com- pany,	160 26	10 89	171 15
New Marshall Engine Company, .	10 12	—	10 12
Newbury Stable Company, . . .	67 48	—	67 48
Newell-Putnam Manufacturing Company,	151 83	1 31	153 14
Norfolk County Creamery Com- pany,	40 90	22	41 12
Observation Auto Company, . .	33 74	1 92	35 66
O'Keefe Cloak Company,	84 35	85	85 20
Oxford Angora Goat Company, .	21 08	—	21 08
Paralok Binder Company, . . .	95 14	—	95 14
Parker & Whiting Company, . .	16 87	20	17 07
Peabody Candy Company,	62 36	31	62 67
Peabody Supply Company, . . .	131 07	1 17	132 24
People's Combination Clothing Company,	253 05	3 88	256 93
People's Drug Store Company, .	25 30	22	25 52
Peter F. Tague Company,	50 61	—	50 65
Philbrook Distributing Company, .	5 06	30	5 36
Pilgrim Foundry Company, . . .	328 96	12 82	341 78
Pilgrim Investment Company, . .	7 42	40	7 82
Pine Needle Company,	5 56	18	5 74
Powell Press Company,	20 58	62	21 20
Practical Politics, Incorporated, .	4 04	10	4 14
Prince Medicine Company,	52 11	1 77	53 88
Prudential Corporation,	16 87	—	16 87
Puritan Express Company,	25 30	—	25 30
Quiney Public Market Company, .	33 74	1 18	34 92
R. F. Hawkins Iron Works, . . .	122 02	1 22	123 24
R. L. Cleveland Company,	303 66	3 04	306 70
Randall Faichney Company, . . .	296 81	14 08	310 89
Reading Shoe Stock Company, In- corporated,	113 02	3 84	116 86
Reynolds Machine Company, . . .	25 30	23	25 53
Richard Briggs Company,	2,024 40	10 11	2,034 51
Robbins Spring Water Company, .	54 06	48	54 54

	Collected on Account of Corporation Tax for 1906.	Interest.	Totals.
Robinson Duck and Poultry Com- pany,	\$37 11	\$1 26	\$38 37
Rocky Hill Crystal Spring Water Company,	9 27	32	9 59
Royal Comb Company,	104 25	90	105 15
Ruth Manufacturing Company,	26 99	32	27 31
S. A. Dow Company,	13 34	—	13 34
S. A. Ryan & Co., Incorporated,	30 36	—	30 36
S. E. Casino Company,	57 35	1 55	58 90
S. L. Gabriel Company,	45 54	46	46 00
Sargent Company,	101 22	1 01	102 23
Seth W. Fuller Company,	317 15	1 80	318 95
Shadduck & Green Company,	132 59	—	132 59
Silas Pierce & Co., Limited,	2,015 59	17 79	2,033 38
Simons Shoe Company,	38 12	34	38 46
Smith's Tavern, Incorporated,	123 67	1 17	124 84
South Shore Grain Company,	347 03	19 91	366 94
Spatula Publishing Company,	62 41	1 25	63 66
Standard Bottling and Extract Company,	303 66	2 84	306 50
Standard Moulding Company,	26 31	2 85	29 16
Star Light Specialty Company,	46 22	2 44	48 66
Stone Express Company,	463 92	18 78	482 70
Suffolk Supply Company,	126 52	4 30	130 82
Sylvester Tower Company,	1,717 36	15 74	1,733 10
T. A. Peterson Company,	34 97	17	35 14
T. F. Tuttle Silver Company,	140 02	53	140 55
Taunton Evening News,	168 70	2 22	170 92
Ten Associates Company,	22 85	12	22 97
Textile Machinery Specialty Com- pany,	10 35	18	10 53
Thomas J. Young Company,	16 87	—	16 87
Tremont Garage Company,	168 70	1 68	170 38
Tribune Enterprise, Incorporated,	21 35	65	22 00
Tucker Corporation,	11 80	—	11 80
Union Credit Company,	168 70	1 98	170 68
United Concrete Machinery Com- pany of Massachusetts,	67 48	67	68 15
United Sewing Machine Company,	168 70	1 80	170 50
V. E. Miller Company,	421 75	—	421 75
W. H. LaPointe Company,	380 84	—	380 84
W. W. Harmon Company,	101 22	89	102 11
Wachusett Sanitarium Company,	463 75	4 17	467 92
Walter H. Tuttle Company,	126 52	3 54	130 06
Warren, Brookfield & Spencer Street Railway Company,	686 60	—	686 60
Warren Manufacturing Company,	118 59	—	118 59
Warner Motor Company,	28 76	17	28 93
Weber Leather Company,	1,180 90	6 29	1,187 19
White Hill Plantation Company,	26 77	1 07	27 84

	Collected on Account of Corporation Tax for 1906.	Interest.	Totals.
Whittier Woodenware Company,	\$337 40	\$1 40	\$338 80
William A. Davis Company,	84 35	2 58	86 93
Winslow Brothers & Smith Com- pany,	5,131 85	25 65	5,157 50
Worcester Bay State Hotel Com- pany,	63 26	51	63 77
Worcester Broken Stone Com- pany,	134 96	1 34	136 30
Worcester Grain Company,	6 07	13	6 20
Worcester Sanitarium Company,	32 25	32	32 57
Worcester Wood and Lumber Company,	10 96	—	10 96
Ye Quainte Compayne,	8 46	—	8 46
Young's Biscuit Company,	202 44	1 87	204 31
	\$85,117 39	\$1,076 11	\$86,193 50

MISCELLANEOUS COLLECTIONS.

A. C. Grady Loan Company, penalty,	\$10 00
A. G. Pease Company, penalty,	5 00
A. Guerini Stone Company, penalty,	5 00
A. H. Demond Company, penalty,	25 00
A. R. Macomber Company, penalty,	10 00
Abrasive Mining and Manufacturing Company, penalty,	10 00
Acme Thread Works, penalty,	10 00
Aetna Indemnity Company, Cuttyhunk, penalty,	500 00
Aetna Loan Company, penalty,	5 00
Alberta Land and Wheat Company, penalty,	15 00
Allen & Endicott Building Company, penalty,	15 00
Allen, Daniel G., estate of,	102 11
Allen, Howard Folger, estate of, inheritance tax,	490 53
Allendale Woolen Company, penalty,	10 00
American Chocolate Machinery Company, penalty,	25 00
American Credit Indemnity Company, penalty,	50 00
American Cultivator Publishing Company, penalty,	5 00
American Finance Company, penalty,	15 00
American Fuel Saving Company, penalty,	10 00
American Mosaic Company, penalty,	5 00
American Paint Manufacturing Company, penalty,	15 00
American Sight-seeing Car and Coach Company, penalty,	25 00
American Street Railway Paving and Improvement Com- pany, penalty,	10 00
Amesbury Opera House Company, penalty,	25 00

Andover Press, penalty,	\$10 00
Andrews Produce Company, penalty,	5 00
Angelina Orchard Company, penalty,	25 00
Angier Automobile Supply Company, penalty,	15 00
Angier Company, penalty,	5 00
Arlington, Town of, board of paupers,	29 60
Asa R. Minard & Co., Incorporated, penalty,	10 00
Associated Mining Engineers Corporation, penalty,	15 00
Atherton Furniture Company, penalty,	15 00
Athletic Shoe Industry Company, penalty,	15 00
Atlantic Distilling Company, penalty,	5 00
Atlantic Tea Company, penalty,	5 00
Atlas Fiber Company, penalty,	10 00
Atwood Preserving Company, penalty,	20 00
Automatic Fire Protection Company, penalty,	25 00
Automobile Owners Supply Company, penalty,	5 00
Avon Woolen Mills Company, penalty,	10 00
Bach Piano Company, penalty,	10 00
Baker-Hunnewell Company, penalty,	15 00
Balch, William H., estate of,	70 39
Barthel Blow Lamp Company, penalty,	35 00
Bay State Art Company, penalty,	15 00
Bay State Auto Company, penalty,	10 00
Bay State Distilling Company, penalty,	100 00
Bay State Fuel Company, penalty,	25 00
Beacon Loan Company, penalty,	20 00
Benz Kid Company, penalty,	15 00
Berkshire Cycle and Automobile Company, penalty,	25 00
Beverly Chemical and Supply Company, penalty,	15 00
Blair Light Company, penalty,	10 00
Booth & Co., Incorporated, penalty,	10 00
Boston & Haverhill Dispatch, penalty,	5 00
Boston, City of, board of paupers,	897 43
Boston, City of, Congress Street grade crossing, taking of land,	688 00
Boston Construction and Supply Company, penalty,	10 00
Boston Distributing Company, penalty,	25 00
Boston Excursion Steamship Company, penalty,	25 00
Boston Fire and Police Notification Company, penalty,	25 00
Boston Holding Company, penalty,	5 00
Boston Independent Telephone Securities Company, pen- alty,	10 00
Boston Mirror Company, penalty,	25 00
Boston Pneumatic Power Company, penalty,	25 00
Boston Pneumatic Transit Company, penalty,	15 00
Boston-Portland Company, penalty,	10 00

Boston Real Estate Association, penalty,	\$10 00
Boston Traveler Company, penalty,	25 00
Boston Wool Scouring Company, penalty,	10 00
Brockton Co-operative Association, penalty,	10 00
Brockton Motor Exchange Company, penalty,	25 00
Brown, Woodward L., estate of,	83 83
Brunswick-Balke-Collender Company, penalty,	5 00
Budgett Company, penalty,	10 00
Burnham Railway Appliance Company, penalty,	20 00
Button Lumber Company, penalty,	5 00
C. A. Edgarton Manufacturing Company, penalty,	10 00
C. H. Brown Engine Company, penalty,	10 00
C. H. Jordan Company, penalty,	10 00
C. L. Flaccus Glass Company, penalty,	20 00
C. N. Perkins Company, penalty,	15 00
C. W. Stone Company, penalty,	20 00
Caloric Bath Company, Incorporated, penalty,	10 00
Cambridge, City of, board of paupers,	2,165 10
Cambridge Lumber Company, 1904 tax,	325 99
Cambridge Market Company, penalty,	10 00
Car Ventilating and Heating Company, penalty,	10 00
Carleton & Hovey Company, penalty,	25 00
Carter-Russell & Co., Incorporated, penalty,	5 00
Cashman Brothers Company, penalty,	10 00
Caton Medical Specific Company, penalty,	5 00
Central Furniture Company, penalty,	25 00
Champion Copper Company, penalty,	15 00
Chandler Company, penalty,	10 00
Charles A. Snow Company, penalty,	30 00
Charles H. Dodge Construction Company, penalty,	15 00
Charlestown Gas Light Company, penalty,	200 00
Christian Hotel Company, penalty,	10 00
Citizens Loan Association, penalty,	25 00
Claffin-Sholes Company, penalty,	25 00
Clark, Almira, estate of, unclaimed deposit,	489 24
Clark Publishing Company, penalty,	25 00
Clinton D. Martin Company, penalty,	10 00
Clinton Gas Light Company, penalty,	100 00
Coburn, Charlotte R., estate of,	300 63
Columbia Phonograph Company, penalty,	25 00
Commonwealth Machine Company, penalty,	25 00
Concord, Town of, board of paupers,	13 03
Concrete Block Company, penalty,	15 00
Consolidated Cranberry Company, penalty,	10 00
Construction Information Company, penalty,	20 00
Coombs & Gilbert Furniture Company, penalty,	5 00

Coté Multiple Compass Company, penalty,	85 00
Couch & Seeley Company, penalty,	6 00
Craig & Craig Company, penalty,	25 00
Credit Mens Agency, penalty,	5 00
Crocker Drug Company, penalty,	5 00
Crompton & Knowles Loom Works, penalty,	10 00
Crown Luncheon Company, penalty,	10 00
Cullen Brothers Company, penalty,	25 00
Cummings & King Company, penalty,	25 00
Curtis & Moore Company, penalty,	10 00
Curtis-Hawkins Company, penalty,	5 00
D. E. Coleman Company, penalty,	25 00
Dalton Shoe Company, penalty,	10 00
Davis Construction and Machinery Company, penalty,	10 00
Davis, W. L.,	50 00
DeMarco Construction Company, penalty,	15 00
DeYoung, Samuel, estate of,	805 44
Diamond Glue Company, penalty,	25 00
Dillon Machine Company, penalty,	125 00
Disappearing Window Screen Company, penalty,	15 00
Donohue Brothers Leather Company, penalty,	5 00
Donohue Coal Company, penalty,	10 00
Dorchester Express Company, penalty,	25 00
Duo Motor Company, penalty,	10 00
Dyer Axle Lock Nut Company, penalty,	10 00
E. A. Hale Company, penalty,	25 00
E. H. Clapp Rubber Company, penalty,	50 00
E. K. B. Garter Company, penalty,	5 00
E. L. Wood Box Company, penalty,	15 00
E. T. Cowdrey & Company, penalty,	25 00
Eagle-Church Company, penalty,	10 00
Eagle Overall Company, penalty,	5 00
Eastern Cold Storage Company, penalty,	25 00
Eastern Fishing Company, penalty,	25 00
Eastern Furniture Company, penalty,	15 00
Eaton Building Company, penalty,	15 00
Edmund S. Hunt & Sons Company, penalty,	10 00
Ells & Garland Company, penalty,	5 00
Empire State Surety Company, penalty,	800 00
Erickson Electric Equipment Company, penalty,	15 00
Essex Consolidated Mines Company, penalty,	5 00
Everlasting Garter Company, penalty,	25 00
Eye Rex Company, penalty,	5 00
F. A. Clark Company, penalty,	30 00
F. C. Maude Company, penalty,	25 00
F. H. Danforth Company, penalty,	5 00

Fall River, City of, board of pauper,	\$10 29
Fielding, Moses, State Prison claim,	50 05
Firestone Tire and Rubber Company, penalty,	25 00
Fitchburg Granite Company, penalty,	25 00
Fitchburg Hardware Company, penalty,	15 00
Flanders Shoe Company, penalty,	10 00
Flash Chemical Company, penalty,	15 00
Foreign Language Press, penalty,	10 00
Fort Wayne Electric Works, penalty,	25 00
Foster Rubber Company, penalty,	50 00
Framingham Gas and Electric Light Company, penalty,	100 00
Frederick J. Quinby Company, penalty,	15 00
Fritts Electric Switch Company, penalty,	10 00
G. W. Sammet & Son Company, penalty,	10 00
Gardner Gas, Fuel and Light Company, penalty,	100 00
Gardner Gas, Fuel and Light Company, tax,	17 37
Garfield & Proctor Coal Company, penalty,	25 00
Gauley Coal Land Company, penalty,	15 00
Geddis Remedy Company, penalty,	25 00
Geisel Automobile Company, penalty,	5 00
General DeGreasing Company, penalty,	25 00
George A. Sutherland Company, penalty,	5 00
George J. Tarr Company, penalty,	25 00
George L. Belledeu Company, penalty,	10 00
George W. Carr Company, penalty,	5 00
Glendale Laundry Company, penalty,	5 00
Good Hope Packet Company, penalty,	10 00
Gordon Clasp Company, penalty,	10 00
Gordon Paper Company, penalty,	25 00
Graham Hat Company, penalty,	5 00
Great Barrington, Town of, board of paupers,	344 80
Green, Edward H., estate of,	86 50
Green Mountain Lumber Company, penalty,	25 00
Greenfield Recorder Company, penalty,	25 00
Greenfield, Town of, board of James Kingston,	1,659 12
H. E. Lindbladh Company, penalty,	15 00
H. G. Woolworth & Company, penalty,	10 00
H. Methot Ostrich Feather Company, penalty,	10 00
H. Rubin & Son, Incorporated, penalty,	10 00
Hadley Water Supply District,	350 00
Hammond Typewriter Company, penalty,	50 00
Hampden Corundum Wheel Company, penalty,	25 00
Hampden Securities Company, penalty,	20 00
Hancock Inspirator Company, penalty,	15 00
Hannah Duston Shoe Company, penalty,	15 00
Hansecom Construction Company, penalty,	10 00

Harrington Auto Station No. 1, penalty,	\$25 00
Harvard Amusement Company, penalty,	15 00
Haverhill Construction Company, penalty,	5 00
Haverhill Shoe Manufacturers' Association, penalty,	25 00
Hawes-von Gal Company, Incorporated, penalty,	25 00
Hayden Photographic Company, penalty,	20 00
Haynes-Piper Company, penalty,	15 00
Heath Telephone Company, tax,	6 61
Hendee Manufacturing Company, penalty,	5 00
Henrici Washer Company, penalty,	25 00
Highland Foundry Company, penalty,	20 00
Highland Telephone Company, tax,	56
Hingston Safety Envelope Company, penalty,	5 00
Hiram Ricker & Sons Company, penalty,	25 00
Holland Electric Company, penalty,	10 00
Holliston, Town of, board of G. A. Loveday,	56 03
Holman-Paige Shoe Company, penalty,	5 00
Holmes Market Company, penalty,	20 00
Holyoke Base Ball Association, penalty,	50 00
Home Newspaper Publishing Company, penalty,	5 00
Hoosac Company, penalty,	5 00
Hopewell Railroad Supply Company, penalty,	5 00
Horace K. Turner Company, penalty,	10 00
Horan, George T., State Prison claim,	89 27
Hosterman Chemical Company, penalty,	10 00
Houghton Manufacturing Company, penalty,	25 00
Houseboat Vacation Company, penalty,	5 00
Howe Paint and Color Works, penalty,	25 00
Hudson, John O., estate of,	238 89
Huntington Electric Light Company, penalty,	10 00
Hurst Sporting Goods Company, penalty,	25 00
Ideal Ventilator Company, penalty,	10 00
Independent and Auxiliary Gas Company, penalty,	25 00
Indestructible Fence Post Company, penalty,	10 00
International Electric Company, penalty,	10 00
International Shoe Company, penalty,	15 00
Ipswich Gas Light Company, penalty,	100 00
Ipswich, Town of, board of paupers,	24 17
Irish-American Glue Company, penalty,	25 00
Iver Johnson Sporting Goods Company, penalty,	15 00
J. G. Walker & Son Corporation, penalty,	10 00
J. H. Butler Lumber Company, penalty,	40 00
J. M. Murray & Co., penalty,	10 00
J. Nardi Company, penalty,	5 00
J. P. & W. H. Emond Company, 1905 tax,	71 76
J. R. Qualey Granite Company, penalty,	5 00

James G. Tarr & Brother Corporation, penalty,	\$10 00
James Hunter Machine Company, penalty,	15 00
Jellison Drug Company, penalty,	20 00
Jewelers Building Association, penalty,	20 00
John A. McPherson Company, penalty,	10 00
John J. Cluin Company, penalty,	15 00
John Reardon & Sons Corporation, penalty,	25 00
John W. Crowley Company, penalty,	25 00
Karanak Chemical Company, penalty,	5 00
Kelly & Hawes Company, penalty,	25 00
Kelly-Evans Company, penalty,	25 00
Kelly Produce Company, penalty,	15 00
Kiernan Manufacturing Company, penalty,	5 00
Kimball-Eliot Company, penalty,	25 00
Kinney Heating and Supply Company, penalty,	10 00
Knowlton Packing Company, penalty,	10 00
L. B. Warner Company, penalty,	15 00
L. W. Pond Machine and Foundry Company, penalty,	25 00
Ladd, Thomas, board of,	1,160 67
Lanston Monotype Machine Company, penalty,	5 00
Larsson Whip Company, penalty,	10 00
Lawrence Machine Company, penalty,	5 00
Lawyers Information Bureau, penalty,	5 00
Lead-lined Iron Pipe Company, penalty,	10 00
Leominster Comb Company, penalty,	5 00
Ley Construction Company, penalty,	10 00
Liberty Brewing Company, penalty,	25 00
Liberty Masonic Association, penalty,	5 00
Lincoln, Town of, board of paupers,	30 97
Lockwood Manufacturing Company, penalty,	10 00
Lopas Company, penalty,	25 00
Lord Mechanical Respiration Company, penalty,	5 00
Loudville Leather-Board Company, penalty,	15 00
Lowell, City of, board of paupers,	235 48
Lowell Coach Company, penalty,	15 00
Lubron Manufacturing Company, penalty,	10 00
Luxemoor Company, penalty,	10 00
Lynn Storage Warehouse Company, penalty,	10 00
Lynn Tube Trolley Track Company, penalty,	5 00
McAuliff Non-Siphoning Trap Company, penalty,	15 00
McCurdy, Margaret, board of,	757 25
Mackintosh Manufacturing Company, penalty,	10 00
Majestic Company, penalty,	5 00
Malden Grain Company, penalty,	10 00
Maloine Chemical Company, penalty,	25 00
Manufacturers Automatic Sprinkler Company, penalty,	25 00

Manufacturers Bottle Company, penalty,	\$5 00
Manufacturers Information Bureau Company, penalty,	25 00
Manufacturers' Sample Shoe Company, penalty,	10 00
Marblehead Gas and Electric Light Company, penalty,	200 00
Marcellus Roper Company, penalty,	50 00
Marlboro Equipment Company, penalty,	10 00
Massachusetts Automobile Company, penalty,	10 00
Massachusetts Brick Company, penalty,	4 00
Massachusetts Clothing Company, penalty,	5 00
Massachusetts Contracting Company, penalty,	35 00
Massachusetts Fan Company, penalty,	20 00
Massachusetts Loan and Guaranty Company, penalty,	25 00
Massachusetts Public Service Company, penalty,	10 00
Mather Loan Company, penalty,	5 00
Maxwell-Briscoe Boston Company, penalty,	15 00
Mellish & Byfield Company, penalty,	5 00
Menthol Products Company, penalty,	15 00
Mercantile Finance Company, penalty,	25 00
Merrimack Ice Company, penalty,	5 00
Merrimack Paper Company, penalty,	15 00
Merrimack Woolen Company, penalty,	25 00
Merry Job Print Company, penalty,	5 00
Messenger Printing and Publishing Company, penalty,	25 00
Milford Rubber Cement Company, penalty,	5 00
Mohawk Manufacturing Company, penalty,	50 00
Mona Manufacturing Company, penalty,	25 00
Moore Brothers Company, penalty,	15 00
Munroe & Knight Machine Screw Company, penalty,	100 00
N. Richardson Sons Manufacturing Company, penalty,	10 00
Nashua River Paper Company, filing report late,	165 00
National Belting Company, penalty,	15 00
National Cigar Stands, penalty,	25 00
National Press Bureau, penalty,	5 00
National Spiral Fire-escape Company, penalty,	10 00
National Wrapping Paper Company, penalty,	25 00
Nelmaur Company, penalty,	15 00
Neponset River Coal Company, penalty,	15 00
Nernst Lamp Company, penalty,	50 00
New Bedford Baseball and Athletic Association, penalty,	35 00
New Can Company, penalty,	15 00
New England Furniture Manufacturing Company, penalty,	15 00
New England Reed Company, penalty,	10 00
New Magnolia Hotel Company, penalty,	5 00
New Marlboro Association, penalty,	10 00
Newburyport Fair Association, penalty,	25 00
News Publishing Company, penalty,	10 00

Newton Journal Publishing Company, penalty,	\$15 00
Niles, W. J., estate of, gas tax,	59 93
Nobscot Mountain Spring Perfection Cooler Company, penalty,	25 00
Non Corrosive Metal Company, penalty,	25 00
Norcross Brothers Company, penalty,	10 00
Norfolk County Creamery Association, penalty,	20 00
North Anson Lumber Company, penalty,	20 00
North Eastern Lumber Company, penalty,	10 00
North End Express Company, penalty,	5 00
Northern Automobile Agency, penalty,	25 00
Norton & Taunton Street Railway Company, penalty,	50 00
Novelty Plaster Company, penalty,	10 00
Noyes & Dewar Company, penalty,	15 00
Noyes, Charles, estate of, unclaimed deposit,	371 27
O'Brien Brothers Company, penalty,	5 00
Office, Bank and Library Company, penalty,	50 00
Orient Importing Company, penalty,	15 00
Orrocco Farm Company, penalty,	25 00
Otis Fiber Board Company, penalty,	25 00
Owens Brothers Hillson Company, penalty,	10 00
Ox-O-Tonic Company, penalty,	10 00
Paddon Motor Company, penalty,	25 00
Palami Company, penalty,	50 00
Parker & Whiting Co., penalty,	10 00
Parsons, Henry, Westborough Insane Hospital claim,	223 00
Paulin's, Incorporated, penalty,	10 00
Pepperell Card and Paper Company, penalty,	10 00
Peter Wood Dyeing Company, penalty,	5 00
Pickering Manufacturing Company, penalty,	10 00
Pigeon Cove Harbor Company, penalty,	20 00
Pittsfield Co-operative Store, penalty,	10 00
Place Box Company, penalty,	25 00
Planet Company, penalty,	20 00
Plymouth Hardware Company, penalty,	10 00
Plymouth Hospital and Training Nurse School, penalty,	10 00
Plymouth Rubber Company, penalty,	10 00
Poland Paper Company, penalty,	35 00
Portsmouth Forge, penalty,	5 00
Practical Politics, penalty,	5 00
Prentice Brothers Company, penalty,	25 00
Prentice Tool and Supply Company, penalty,	25 00
Preston, Marcellus E., estate of,	300 80
Prince Medicine Company, penalty,	25 00
Public Coal Company, penalty,	15 00
Puritan Carbonating Company, penalty,	5 00

Puritan Dental Company, penalty,	\$5 00
Puritan Express Company, penalty,	25 00
Pyrates Company, penalty,	20 00
Quincy, City of, board of Josephine Hughes,	106 88
Quincy, City of, board of paupers,	103 54
Quinsigamond Lake Steamboat Company, penalty,	10 00
R. M. Bucknam & Co., Incorporated, penalty,	10 00
R. T. Sullivan Company, penalty,	10 00
Rand Dairy Lunch, penalty,	15 00
Rice & Hutchins, Incorporated, penalty,	50 00
Robbins Spring Water Company, penalty,	25 00
Robinson-Brockway Manufacturing Company, penalty,	25 00
Rockland Factory Building Association, penalty,	20 00
Rocky Hill Crystal Spring Water Company, penalty,	25 00
Rollaway Skating Rink Company, penalty,	5 00
Roller Bar Door Closer Company, penalty,	50 00
Rosenthal, H., board of pauper,	30 95
Roxbury Catering Company, penalty,	10 00
Rubon Company, penalty,	25 00
Rufus Perkins Banking and Brokerage Company, penalty,	5 00
S. A. Ryan Company, penalty,	75 00
S. H. Helen Company, penalty,	20 00
Sanitary Dust-removing Company, penalty,	5 00
Sanitary Reduction and Construction Company, penalty,	50 00
Sargent, Conant & Co., tax,	50 00
Schipper Brothers Coal Mining Company, penalty,	25 00
Schneider, Gustav, estate of, unclaimed deposit,	292 09
Second Regiment Band, penalty,	10 00
Sheehan, John J., board of son,	22 29
Shute, Elizabeth, estate of,	44 82
Siculo Express Company, penalty,	25 00
Signet Shoe Company, penalty,	20 00
Simpson & Co., penalty,	10 00
Smalley Jar Company, penalty,	15 00
Somerville, City of, board of Coopers,	737 75
Southern Coast Lumber Company, penalty,	25 00
Spofford Drug Company, penalty,	10 00
Springfield Department Store, penalty,	25 00
Springfield Portable Construction Company, penalty,	25 00
Springfield Ruling Machine Company, penalty,	10 00
St. Clair's, Incorporated, penalty,	10 00
Stafford Company, penalty,	25 00
Standard Fishing Rod Company, penalty,	25 00
Standard Machine Company, penalty,	10 00
Standard Paper Tube Works, penalty,	5 00
Star Fire Insurance Company, tax,	133 86

Star Light Specialty Company, penalty,	\$15 00
State Supply Company, penalty,	15 00
Stetson Press, Incorporated, penalty,	15 00
Stone Express Company, penalty,	60 00
Stoughton Gas and Electric Company, penalty,	100 00
Suburban Club House Corporation, penalty,	5 00
Suburban Coal Company, penalty,	25 00
Suncook Valley Lumber Company, penalty,	10 00
Symonds & Poor Carbonator Company, penalty,	25 00
T. N. Fetherston & Co., penalty,	5 00
Tanner Hamilton Company, penalty,	20 00
Taunton Stove Lining Company, penalty,	20 00
Thomas B. Morrill, Incorporated, penalty,	5 00
Thomas W. Lawson Company, penalty,	10 00
Thorn Medicine Company, penalty,	5 00
Traders Insurance Company, tax,	404 55
Travis, Coburn Company, penalty,	25 00
Tribune Building Company, penalty,	10 00
Tribune-Enterprise, Incorporated, penalty,	10 00
Tudor Farm, Incorporated, penalty,	25 00
Tudor Manufacturing Company, penalty,	5 00
Union Brass Works Company, penalty,	25 00
Union Scale Company, penalty,	10 00
United Attraction Company, penalty,	20 00
United Button Company, penalty,	25 00
United Rubber Sole Shoe Company, penalty,	5 00
United States Mailing Case Company, penalty,	10 00
Van Camp Packing Company, penalty,	25 00
W. C. King Company, penalty,	15 00
W. D. Wilmarth & Co., Corporation, penalty,	10 00
W. F. Jacobs Building Company, penalty,	5 00
W. F. Plummer Drug Company, penalty,	10 00
W. H. Cobb Shoe Stock Company, penalty,	25 00
W. H. Losty Telephone Line, tax,	21
W. H. Mague Company, penalty,	5 00
W. K. Farrington Press, penalty,	25 00
W. S. Fiander Company, penalty,	15 00
W. S. Hill Electric Company, penalty,	25 00
W. T. Shackley & Son Company, penalty,	15 00
Wachusett Machine Company, penalty,	5 00
Wachusett Rest, Incorporated, penalty,	30 00
Walfair Construction Company, penalty,	10 00
Walpole Emery Mills, penalty,	10 00
Walsh, P. D., guardian, board of ward,	508 73
Waltham, City of, board of Pauline Kellar,	599 70
Waltham, City of, board of W. F. Murray,	136 50

Waltham Watch Tool Company, penalty,	\$15 00
Warburton & Dover Company, penalty,	15 00
Warner Box and Shoe Finding Company, penalty,	50 00
Warner Motor Company, penalty,	20 00
Warren Manufacturing Company, penalty,	25 00
Washburn, Charles G., guardian,	390 64
Wayland, Town of, board of Alice Banks,	927 00
Weber Leather Company, penalty,	150 00
Webster, Town of,	24 29
Wellesley Publishing Company, penalty,	10 00
West End Loan and Investment Company, penalty,	5 00
Westfield Times Company, penalty,	10 00
Weymouth Light and Power Company,	42 44
Whiting Manufacturing Company, penalty,	10 00
Wicks Manufacturing Company, penalty,	5 00
Wilbur-Campbell-Stevens Company, penalty,	25 00
Winchester Laundry Company, penalty,	5 00
Woodville Electric Light Company, penalty,	5 00
Worcester Base Ball Company, penalty,	20 00
Worcester Wood Fiber Wall Plaster Company, penalty,	15 00
Wordell Plumbing Company, penalty,	10 00

\$32,962 35

EXTRADITION AND INTERSTATE RENDITION.

The following applications for requisitions for fugitives from justice have been referred by His Excellency the Governor to this department during the year ending Dec. 31, 1907, for examination and report thereon:—

Date of Reference.	State or Country upon whose Executive Requisition was made.	Name of Fugitive.	Crime charged.	Venue of Prosecution.	Report.
1907.					
Jan. 21,	New York,	John S. Mayerhalz,	Stealing,	Hampden,	Lawful and in proper form.
Jan. 21,	Maine,	Howard Clayton,	Larceny,	Suffolk,	Lawful and in proper form.
Jan. 21,	New York,	James Sullivan,	Polygamy,	Suffolk,	Lawful and in proper form.
Feb. 28,	Pennsylvania,	Samuel W. Hogan,	Forgery,	Suffolk,	Lawful and in proper form.
March 7,	Georgia,	Ernest D. Blackwell,	Larceny,	Suffolk,	Lawful and in proper form.
March 9,	New York,	Carlton H. Reed,	Larceny,	Suffolk,	Lawful and in proper form.
March 11,	Pennsylvania,	Paul LeBan,	Larceny,	Suffolk,	Lawful and in proper form.
April 9,	Illinois,	Isaac Rosenberg,	Larceny,	Suffolk,	Lawful and in proper form.
April 9,	New York,	George P. Bowler,	Forgery,	Suffolk,	Lawful and in proper form.
May 24,	Maine,	Joseph F. Cuneo,	Larceny,	Suffolk,	Lawful and in proper form.
May 31,	New York,	William A. Hewett,	Breaking and entering and larceny,	Middlesex,	Lawful and in proper form.
June 10,	Michigan,	Walter Jackson,	Larceny,	Suffolk,	Lawful and in proper form.

Date of Reference.	State or Country upon whose Executive Requisition was made.	Name of Fugitive.	Crime charged.	Venue of Prosecution.	Report.
1907.					
June 18,	Virginia, . . .	Louis A. Tucker, . . .	Forgery, etc., . . .	Suffolk, . . .	Lawful and in proper form.
June 29,	New York, . . .	Thomas McKiverigan, . . .	Larceny, . . .	Suffolk, . . .	Lawful and in proper form.
July 8,	New York, . . .	Harry Aronson, . . .	Forgery, . . .	Suffolk, . . .	Lawful and in proper form.
July 20,	New Jersey, . . .	Samuel L. Bush, <i>alias</i> , . . .	Adultery, . . .	Middlesex, . . .	Lawful and in proper form.
Aug. 19,	New York, . . .	Harry Woods, . . .	Breaking and entering, . . .	Suffolk, . . .	Lawful and in proper form.
Sept. 9,	Maryland, . . .	Salvatore de Covenello, . . .	Breaking and entering, . . .	Suffolk, . . .	Lawful and in proper form.
Sept. 18,	New York, . . .	Francis Morehead, . . .	Forgery, . . .	Suffolk, . . .	Lawful and in proper form.
Sept. 25,	Florida, . . .	Ernest D. Blackwell, . . .	Larceny, . . .	Suffolk, . . .	Lawful and in proper form.
Oct. 2,	New York, . . .	George Meyers, . . .	Larceny, . . .	Suffolk, . . .	Lawful and in proper form.
Oct. 4,	New York, . . .	Charles A. White, . . .	Polygamy, . . .	Essex, . . .	Lawful and in proper form.
Oct. 9,	Illinois, . . .	Louis C. Fleckner, . . .	Larceny, . . .	Suffolk, . . .	Lawful and in proper form.
Oct. 11,	New York, . . .	James Green, . . .	Assault, . . .	Suffolk, . . .	Lawful and in proper form.
Oct. 15,	Ohio, . . .	Pasquale Colacicello, . . .	Murder, . . .	Middlesex, . . .	Lawful and in proper form.
Oct. 19,	Pennsylvania, . . .	Edward E. Smith, . . .	Larceny of money, . . .	Suffolk, . . .	Lawful and in proper form.
Oct. 21,	New York, . . .	Max Green, . . .	Larceny, . . .	Suffolk, . . .	Lawful and in proper form.
Oct. 21,	New York, . . .	John H. Graham, . . .	Larceny, . . .	Suffolk, . . .	Lawful and in proper form.
Oct. 31,	New York, . . .	Morris Warschawsky, . . .	Stealing, . . .	Hamden, . . .	Lawful and in proper form.
Nov. 12,	New York, . . .	John T. Allen, . . .	Larceny, . . .	Bristol, . . .	Lawful and in proper form.
Nov. 14,	New York, . . .	Constatas Katchuridas, . . .	Larceny, . . .	Worcester, . . .	Lawful and in proper form.

Nov. 14,	New York,	Henry S. Ashton,	Larceny,	.	.	.	Middlesex,	Lawful and in proper form.
Nov. 18,	New Hampshire,	Winfield Gilbert,	Larceny,	.	.	.	Essex,	Lawful and in proper form.
Nov. 23,	New York,	Albert H. Hurd,	Breaking and entering,	.	.	.	Berkshire,	Lawful and in proper form.
Dec. 6,	Dominion of Canada,	Russell E. Footman,	Larceny,	.	.	.	Suffolk,	Lawful and in proper form.
Dec. 14,	Dominion of Canada,	John E. Lynn,	Larceny,	.	.	.	Suffolk,	Lawful and in proper form.
Dec. 18,	New York,	James E. Lytle,	Larceny,	.	.	.	Norfolk,	Lawful and in proper form.

The following requisitions upon His Excellency the Governor for the surrender of fugitives from the justice of other States have been referred by him to this department during the year ending Dec. 31, 1907, for examination and report thereon: —

Date of Reference.	State making the Requisition.	Name of Fugitive.	Crime charged.	Report.
1907.				
Jan. 9,	New York,	Thomas Harrington,	Abandoning a child,	Lawful and in proper form.
Jan. 15,	Maine,	Teti Dominick,	Murder,	Lawful and in proper form.
Jan. 25,	Pennsylvania,	Arthur C. Simpson,	Embezzlement,	Lawful and in proper form.
March 9,	New Jersey,	Dominico Balaglio,	Larceny,	Lawful and in proper form.
April 15,	Pennsylvania,	Robert P. Neil,	Larceny and embezzlement,	Lawful and in proper form.
April 18,	Vermont,	Gibson Gonyo,	Adultery,	Lawful and in proper form.
April 18,	Vermont,	Agnes Nevenett,	Adultery,	Lawful and in proper form.

Date of Refer- ence.	State making the Requisition.	Name of Fugitive.	Crime charged.	Report.
1907.				
April 24,	Maine,	Joseph Atkin,	Larceny,	Lawful and in proper form.
May 23,	Pennsylvania,	Gus Dozelhis,	Larceny,	Lawful and in proper form.
June 8,	Maryland,	Joseph E. Symonds,	False pretence,	Lawful and in proper form.
Aug. 13,	New York,	James Rowan,	Abandonment of child,	Lawful and in proper form.
Sept. 21,	Florida,	Preston Burnett,	Selling personal property,	Lawful and in proper form.
Sept. 25,	Pennsylvania,	Bertha A. Goodwin,	Embezzlement,	Lawful and in proper form.
Sept. 27,	New Hampshire,	John Smith,	Burglary,	Lawful and in proper form.
Oct. 1,	Connecticut,	Albert Jones,	Theft,	Lawful and in proper form.
Oct. 10,	Florida,	Howard L. Smith,	Bigamy,	Lawful and in proper form.
Dec. 6,	Illinois,	Edward Blake,	Larceny,	Lawful and in proper form.
Dec. 13,	New York,	Burton C. Heirst,	Grand larceny,	Lawful and in proper form.
Dec. 23,	Ohio,	C. Spence,	Removing mortgaged property,	Lawful and in proper form.

RULES OF PRACTICE

IN INTERSTATE RENDITION.

Every application to the Governor for a requisition upon the executive authority of any other State or Territory, for the delivery up and return of any offender who has fled from the justice of this Commonwealth, must be made by the district or prosecuting attorney for the county or district in which the offence was committed, and must be in duplicate original papers, or certified copies thereof.

The following must appear by the certificate of the district or prosecuting attorney:—

(a) The full name of the person for whom extradition is asked, together with the name of the agent proposed, to be properly spelled.

(b) That, in his opinion, the ends of public justice require that the alleged criminal be brought to this Commonwealth for trial, at the public expense.

(c) That he believes he has sufficient evidence to secure the conviction of the fugitive.

(d) That the person named as agent is a proper person, and that he has no private interest in the arrest of the fugitive.

(e) If there has been any former application for a requisition for the same person, growing out of the same transaction, it must be so stated, with an explanation of the reasons for a second request, together with the date of such application, as near as may be.

(f) If the fugitive is known to be under either civil or criminal arrest in the State or Territory to which he is alleged to have fled, the fact of such arrest and the nature of the proceedings on which it is based must be stated.

(g) That the application is not made for the purpose of enforcing the collection of a debt, or for any private purpose whatever; and that, if the requisition applied for be granted, the criminal proceedings shall not be used for any of said objects.



